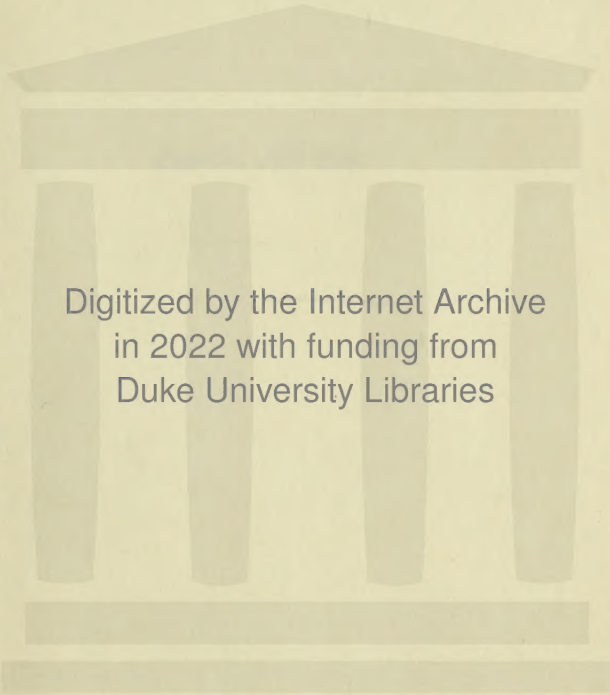


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Duke University Commonwealth-Studies Center

South Africa

*Duke University Commonwealth-Studies
Center Publications*

1. *The British Commonwealth: An Experiment in Co-operation among Nations*, by Frank H. Underhill
2. *South Africa: Economic and Political Aspects*, by Hector Menteith Robertson

South Africa

ECONOMIC AND
POLITICAL ASPECTS

Hector Menteith Robertson

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FOREWORD

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THE COMMONWEALTH-STUDIES CENTER of Duke University was particularly fortunate during the second year of its activities in having Professor H. M. Robertson present the first lectures dealing with South Africa. Professor Robertson was born in the United Kingdom in 1905. He took the B.A. and M.A. at Leeds and the doctorate at Emmanuel College, Cambridge. He is Jagger Professor of Economics at the University of Cape Town and is a past president of the Economic Society of South Africa.

With his British background on the one hand, and his long residence in South Africa and distinguished service to the South African government on the other, Professor Robertson is peculiarly fitted to deal with the economic development of South Africa, involving the inherently difficult problems of racial conflict. This he does in the

three lectures which are now published in this volume.

Since the Commonwealth-Studies Center is concerned exclusively with the encouragement of research, specific theories or interpretations of Commonwealth affairs appearing in these publications do not constitute an expression of the view of the Center or of the Carnegie Corporation, which has furnished financial support to the Center. The respective authors of the several publications are responsible for the conclusions expressed in them.

CALVIN B. HOOVER

INTRODUCTORY STATEMENT

THE THREE ESSAYS in this small book had their origin in a series of lectures which I was invited to deliver at Duke University in March, 1956, as part of the program of the Commonwealth-Studies Center established there.

I was asked to give some picture of developments in South Africa; and the specific requirement which I was asked to meet was that my talks should not only be of value and interest to members of faculty and graduate students associated with the Center, but that they should also preferably be of mixed appeal, with something for economists, something for historians, and something for political scientists.

I tried to meet this requirement by choosing a central theme—or, rather, the present concentration of world interest upon the particular experiments in race relations going on in South Africa chose it for me—and by developing an argument

round this central theme which would throw into relief, in turn, different aspects of history, economics, and politics.

I started, then, with an historical introduction, designed to throw light on the relations of Black and White in the South African economy. This, I hoped, might appeal primarily to historians, but secondarily to economists. I went on to discuss some of the current trends in the South African economy, to place migrancy of labor in relation to the genesis and development of the official policy of *apartheid*, and to make some general comments in which I briefly touched on future prospects. This, I thought, might be of primary interest to economists, but not without interest to historians or—particularly in regard to our dual society and the place of the Native Reserves—to political scientists. Finally, I discussed an aspect of the *apartheid* campaign which seemed to be of primary interest to political scientists, yet could be tackled without neglecting the historians, viz., the origin of the entrenched clauses of the South Africa Act with regard to the franchise and the recent attempts to ignore them in removing the Cape Colored voters from the common voters' roll.

In preparing these lectures for publication, I have retained some of the informality appropriate to the spoken word, but I have made several re-

visions of the material. This is partly due to fresh information becoming available after I left Duke, in particular through the publication of the summary of the *Report of the Commission on the Socio-Economic Development of the Bantu Areas*, of the legislation and parliamentary debates of the 1956 session, and of the argument and judgment in the Cape Provincial Division and the Appellate Division of the Supreme Court on the Senate Act case. While the first chapter is, therefore, substantially the same as the lecture given at Duke, the second and third chapters incorporate additional material, including parts of other talks given before the University of California at Berkeley, and at Melbourne, where I have enjoyed the privilege of a Visiting Professorship for five months.

My wife and I received such a warm and open welcome from members of the Duke faculty and their families that it would be difficult to attempt to acknowledge here all those to whom an obligation in respect of these lectures is due, yet it would be ungracious not to mention especially Professor R. Taylor Cole, Dr. Howard Scarrow, and Professor and Mrs. Joseph J. Spengler. To the wonderful generosity of the British Dominions and Colonies Program of the Carnegie Corporation of New York I owe the opportunity to travel in the United States which brought me to Duke,

and to Mr. Stephen Stackpole, Mr. Alan Pifer, Miss Katherine Ford and other members of its staff, I owe the personal interest and helpfulness which doubled the value of my travel grant. I have been saved from some errors, inevitable in view of my inability to check all my source material in Australia, by my Cape Town colleague, Professor L. M. Thompson, and by Dr. E. V. Axelson, of the University of the Witwatersrand, who were good enough to read the typescript.

Finally, I have to thank the Director of the Duke University Press for his care and for his great energy, and Professor Robert S. Smith for undertaking the burden of seeing through the press a manuscript which must often have differed rather inconsequently from standard American usage.

Melbourne, October, 1956

Cape Town, December, 1956

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South Africa

Black and White in the South African Economy—The Historical Development

I INTEND TO attempt something very foolhardy. I am going to make an effort of compression which is virtually impossible, especially to an audience which has no special knowledge of South African geography and is still less familiar with South African history. I am going to try to place the relations of Black and White in South Africa into their historical setting; and, to do so, I am going to start with some aspects of South Africa's position in world history, as far back as the early voyages of discovery.

South Africa became known to Europeans, gradually, from the end of the fifteenth century; but Europeans were not interested in South Africa or its inhabitants for their own sake. To them, South Africa was still merely a necessary but unwelcome stage upon the way to the Far East. Why was there no direct interest in Southern Africa? This is due to the twin forces of attrac-

tion and repulsion. There were greater attractions elsewhere, and a dangerous coastline to a hinterland, which in any case was not easily pierced by internal communications to its coasts, was avoided as far as possible.

It was not perhaps until the nineteenth century that the unequal balance between East and West of which Gibbon wrote so eloquently was redistributed in Europe's favor. "In the more remote ages of antiquity," wrote Gibbon, "the world was unequally divided. The East was in the immemorial possession of arts and luxury, while the West was inhabited by rude and warlike barbarians. . . . and it was only," he added, "over long years that the productions of happier climates and the industry of more civilized nations were gradually introduced to the Western countries of Europe, and the natives of those countries were encouraged by an open and profitable commerce to multiply the former [i. e., imports of Eastern products] and to emulate and eventually improve upon the latter [i.e., the industrial techniques of the East]."

It was the silks and spices of the Far East, not any products of Africa itself, which drew the Portuguese and later the Dutch and their other rivals to the southern part of the African Continent. Silks were in demand, as Veblen could have explained, as much because of, as in spite of, their scarcity and high price; while spices and other

drugs of the East were then amongst the favorite medicines of the pharmacopoeia, and the very expensiveness of these remedies was often a recommendation in their favor. It gave added confidence in one's medicine and one's doctor to know that it was the most costly available. Moreover, in those days before refrigeration, spicing was an essential ingredient of the winter feeding of the rich, when fresh meat was even for them practically unobtainable. Southern Africa, with its inhospitable coasts, had no such highly desirable articles of commerce to offer.

Hence, the earlier contacts between the Europeans who touched at, and then settled on the shores, and the original inhabitants who occupied these territories at the time, were not the sort of contacts which go with trade, where both parties to a bargain have something to offer the other in approximately equal exchange. Contacts between newcomers and existing inhabitants in Africa tended from the start to be conflicts for the control of the natural resources of the subcontinent. When the Dutch East India Company formed a settlement there in 1652, the objectives were extremely limited, and they were negative rather than positive. There was no trade to tempt that great commercial company thither, but potential enemies had to be forestalled lest they occupy the Cape and make it a base for interrupting the Company's

communications with the Indies, which were its real objectives. The arrival of the first Dutch settlers in April, 1652, with the construction of a fort as their first duty, only narrowly preceded the outbreak of the first Anglo-Dutch war.

The provision of meat and fresh vegetables, water and hospital facilities became a secondary aim; and it was hoped, at first, so long as the price was not too high, that these might be obtained largely through peaceful trading with the Hottentots, a small, yellow-skinned, seminomadic, pastoral people, comparatively few in numbers, who were the Cape's main inhabitants in the seventeenth century. But it was not long before this basis proved to be inadequate, and the Company was forced to try to accumulate flocks and herds of its own, and to permit of private agriculture by *vrijburgers*, so called because they took their freedom from the Company's service to earn a living privately. This could be done only by taking over, for the exclusive pasturage of European-owned stock, some of the lands which were traditionally the pastures of the nomadic Hottentot tribes; and the first open conflict (which broke out in 1659) started with attacks by Hottentots upon the livestock of the Dutch. The Hottentots themselves justified these attacks on the grounds that the more cattle the Dutch had in their possession, the more land for grazing purposes did they steal from the Hot-

tentots. The more land also were they able to take into cultivation for arable crops, and so the less land remained for the tribesmen. By depriving the Dutch of their stock the Hottentots hoped to put an end to their own expropriation. In this, however, in the long run, they proved unsuccessful.

In the eighteenth century, particularly, there was a widespread dispersion of the Dutch farmers, away from administrative control centered in Cape Town, away to where land was plentiful. Although cattle trading was prohibited, in defiance of this they collected large flocks and herds and devoted themselves to extensive, and even to semi-nomadic, pastoral farming. It was a reversion to an isolated, primitive, self-sufficient existence. The Hottentots had never been very numerous and had never possessed any strong tribal organization; and during the eighteenth century, owing to a series of misfortunes (of which epidemics of small-pox and pneumonia were the worst) they lost most of their tribal cohesion and were unable to resist the intrusion upon their traditional pastures. From being an independent people, they were forced into dependence upon the Dutch stock farmers—stronger representatives of the same type of pastoral civilization.

Thus, contact between Black and White, or rather between Yellow or Brown and White, be-

gan to take on a new form. Worst of in the great conflict for the control of the land and of its water resources, their tribal system decayed, the Hottentots were increasingly forced by circumstances to become the herdsmen and the laborers of the Dutch farmers. This position was very imperfectly recognized by the law. In theory, Dutch and Hottentots remained two separate nations, and the Hottentots were not subject to Dutch law. In theory, also, after a period of open trade at the beginning of the eighteenth century, cattle barter between Dutchman and Hottentot was illegal; while the very position of the Hottentot laborer was ambiguous. It was only by implication that a *Plakkaat*, or Government Notice, dating back to the very beginning of the settlement, could be regarded as repealed; yet this *Plakkaat* forbade White inhabitants of the Cape even to receive Hottentots into their dwelling houses. The incongruous nature of the situation was indeed recognized in a *Plakkaat* of June, 1787, which stated that although those Hottentots who were still tribal were by nature free, and thus, in order to enjoy such freedom, could go wherever they wanted, yet that good policy, and the peace and safety of the White inhabitants, nevertheless required that their freedom should be limited by regulations in the interest of decency and good order!

In the case of the Bushmen (a yet more primitive people, still in the Stone Age) this separation into two nations actually reflected the realities of the situation, and there was, in fact, a state of almost perpetual war. As the White farmers occupied the interior where the Bushmen had been accustomed to roam hunting the game, the Bushmen found that the farmers' cattle were an adequate substitute in the hunting field for the disappearing *quagga* (zebras) or antelopes. On this account, they were regarded as incorrigible stock-thieves. On account of their poisoned darts and arrows, they were regarded as deadly and perpetual enemies and, as such, worthy of no consideration. It was to deal with the Bushmen that the celebrated Commando system was first organized. In North America also, as White stock-farmers entered upon newly appropriated ground, the wandering herds of buffalo were destroyed and the White men's cattle took over the grazing lands. The Red Indians who were accustomed to subsist upon the buffalo would not respect these cattle as the private property of the American settlers, but hunted them for meat. For this, reprisals were constantly taken against them by the pioneers of the Middle West. In similar manner, in South Africa, for the same reasons and under the same pretexts, the Bushmen of the

northern parts of the Cape were virtually exterminated.

At the same time as the Europeans had been migrating and taking possession of Southern Africa from the southwest tip, there had been a migration into Southern Africa from the northeast by the advancing Bantu-speaking tribes of Black Africans. Soon after the end of the fifteenth century, Portuguese had come into contact with Bantu living in Zambesia, south of the Great Lakes—the later scene of Livingstone's great travels. By the middle of the eighteenth century, Dutch farmers and the advance guards of the Bantu were more and more frequently coming into contact in the Eastern Cape. These Bantu-speaking people were cattle owners. They were organized tribally, and were conservative, but not immune to outside influences. This is indeed indicated by the fact that as a sideline to their pastoral pursuits—much in the same way as the Dutch farmers—they cultivated comparatively small patches of arable land; and their crops included not merely different varieties of millet and indigenous grain, but also maize (corn), which had originated in the American Continent and which was introduced into Africa by the Portuguese. The policy of the Dutch administration as regards the Bantu was the same as the policy which was preferred in respect of the Hottentots; that

is to say, that the Bantu should be a separate people not coming within the European system at all. But in this case it meant that for separateness there would have to be a boundary. There could be no piecemeal separateness, as, in theory, between Hottentot and White.

In 1778 this frontier was fixed, rather optimistically, at the Great Fish River, between 500 and 600 miles farther east than Cape Town, but such a boundary was not respected on either side, and it is easy to see why in times of drought any such fixed boundary should have been most unwelcome. No stock-farmer would carry respect for such a boundary so far as to see his stock die rather than transgress it; no herdsman could prevent drought-crazed cattle crossing any barrier that was not physically impassable. So in the last quarter of the eighteenth century there was an intermingling of White and Black upon the Zuurveld lands in this neighborhood; but the idea of a fixed boundary at the Fish River remained and the era of the so-called Kaffir Wars had begun, when efforts, sometimes more and sometimes less determined, were made to peg the advancing Xhosa at the Fish River frontier.

In 1819 Lord Charles Somerset, then Governor of the Cape (which had been taken by the British in 1806 and retained by the Peace of Paris in 1814) thought that he had found the solution by

entering into an agreement with Gaika—one of the Native Chiefs. This policy of separation, it will be noted, especially when the guarantee was a treaty with a ruler of the Bantu, assumed what has over recent years become known as a “Bantustan,” territorially separate from the part inhabited by Whites. Lord Charles Somerset acted as though such a Bantustan already existed and was under the authority of a settled government, able to enforce respect for an agreed boundary and centered on the person of Gaika himself. This would appear to be one of those many instances in which British policy seems to have assumed that other people are like the English and their institutions like English institutions. In point of fact, there were many different tribes which were always breaking up and emerging or regrouping.

The practice of polygamy gave ample scope for dissatisfaction amongst the half-brothers in the families of the Bantu chiefs. Gaika did not belong to the Royal House of the Xhosa. The Royal House was represented by the Gcalekas, from which Gaika’s great-grandfather Rarabe had separated after a quarrel with his half-brother Gcaleka about 1750. Gaika himself, who had been a boy when his own father died, had suffered under the regency of his ambitious uncle Ndhlambi. Ndhlambi had afterwards hived off, carrying a part of the tribe with him. Thus the very action

of the British in taking energetic steps to drive Ndhlabi and some of the other minor Xhosa chiefs back across the Fish River into Gaika territory made it certain that there would be intertribal warfare and that the agreement with Gaika would involve the British Army and the Cape Colony in these conflicts.

This in fact is what happened, and so the dreary series of "Kaffir Wars" persisted. The Xhosas were in turn pushed back from the Fish River to the Keiskamma and then to the Kei; and then the Cape Colony was gradually extended to take in the Transkeian territories right up to the boundaries of Natal, a stretch of four hundred miles from the Fish River.

In present-day Natal, in the early years of the nineteenth century, Tschaka had raised himself from comparatively humble beginnings to be Dingiswayo's favorite general, and was then successful, upon Dingiswayo's death, in taking his master's place. He organized the remarkable Zulu military machine, which made the Zulu *Impis* almost irresistible amongst their neighbors, and set them to wage almost perpetual warfare upon the weaker tribes, incorporating the women and the more promising younger men of the vanquished in the growing Zulu nation. By the early 1820's the Zulus held almost undisputed sway over the whole of Natal. Many of the tribes whom they had

defeated had shifted away, attacking other tribes in turn. Tschaka's own general, Mziligazi, after an act of insubordination, went north with his followers to escape Tschaka's wrath. There, at first in the areas which are now the northern and western Transvaal, he founded a similarly organized tribe, the Ndebele (Matabele). Much later this tribe trekked north again into the territory of the Mashona, and settled in the part of Rhodesia which is now known as Matabeleland.

In the 1830's there occurred the Great Trek of Dutch-speaking White farmers from the eastern districts of the Cape Colony. This diaspora, comparable in many ways to the blazing of the Oregon Trail, the Californian venture of '49, and the spread of the covered wagons through the Prairies, has for many South Africans today an even greater emotional significance, as the counterpart of the flight of Israel from bondage in Egypt and entry into the Promised Land. It resulted in no small measure from the failure of the policy of fixing an acceptable boundary by treaty with tribal chiefs who had, in fact, insufficient authority to restrain, not merely their followers, but their rivals from overstepping it; and I have read western complaints of the United States Indian legislation, its Indian Department, and its missionaries which might have come from our eastern borders. This migration brought Boer

farmers into the devastated areas of Natal. Dingaan, who in 1826 had succeeded his half-brother Tschaka by the expedient of murdering him, then turned to murder as an instrument of policy when he slew the Trekker's leader, Piet Retief, and his companions, as a means of getting rid of these new, potentially dangerous immigrants; but the Battle of Blood River (December 16, 1838) proved that it was not so easy to get rid of them as this. Though the Zulu military power was only blunted, not broken, at Blood River, for the time being southern and central Natal lay open to Trekker settlement.

However, Natal was not to remain long as essentially a Boer territory. An English settlement had already existed at Port Natal (now Durban), and in 1843 the British Government, fearful of the consequences of allowing the Trekkers their heads, proclaimed Natal a British colony. With the removal of the threat of the Zulu tyranny from the land between the Umzimvubu and Tugela rivers, this territory, which had appeared to the Trekkers as depopulated, was soon swarming again with Native peoples. Mr. Shepstone, later Sir Theophilus Shepstone, who was the moving spirit of Natal Native Policy, arranged for the setting aside of locations, eventually some ten in number totaling 2,200,000 acres, for exclusive Native use. These soon became in-

adequate to provide for the needs of their inhabitants—certainly in the absence of a great deal of education and guidance—but the individual locations were purposely made small and interspersed by areas of European settlement, firstly in order to break them up for military reasons, and secondly to make it easier for Natives from these Reserves to go out and meet the labor requirements of neighboring European farmers.

It is indeed quite clear that in increasing numbers they did so. As early as 1852 the magistrate of the Impafana Location said that the Natal Native had become the universal laborer; "he herds the cattle, milks the cows, churns the butter, loads it on the wagon, the oxen of which he inspanns and leads; he cuts wood and thatch, he digs sluits and makes bricks and reaps the harvest, and in the house invariably cooks," and he went on to point out that in the towns such as Pietermaritzburg, the male Native acted as childrens' nurse and laundryman.

Thus, in Natal and in the Eastern Cape and the Transkei, we got the beginnings of the administrative policy whereby the Native Africans were segregated in their own Reserves. It was not done so much as deliberate policy; it was, so to speak, the expedient which caused the least disturbance, once the breakdown of the policy of treating the Afri-

cans as inhabitants of their own separate Bantustan with its fixed boundaries became evident.

In the new Trekker Republics of the Orange Free State and Transvaal efforts were made to ensure that the claims to farms on the part of the citizens were limited to unoccupied land; but in considering whether land was unoccupied or not, little attention was paid to Native occupation. So the pattern of settlement which arose there was very similar to what had occurred in the eighteenth century with the Hottentots' grazing lands in the Old Cape; namely, White farmers established themselves upon the land; and the Native families, who might have lived there previously, were allowed to continue to occupy part of it, to run their livestock there and so on, but to give so many days labor service in the year to the new White owners in return for these rights of occupation. Wherever strong tribes were established, this, of course, could not be done, and a good deal of warfare resulted in the debatable lands—in the case of the Free State, on the Basutoland border; in the case of the Transvaal, on the borders of Bechuanaland and some of the northern and eastern territories. The position was stabilized largely as a result of British intervention made for this very purpose—e. g., by the annexation of Basutoland in 1868, the annexation of British Bechuanaland and the creation of the Protectorate (1885),

and finally the establishment of the Swaziland Protectorate and Rhodesia. In the Transvaal a good deal of land still remained in Native tribal occupation, especially in the north, where, for climatic reasons, it was not so favorable to European penetration; and in the 1880's (partly, perhaps, a result of the brief annexation by the British between 1877 and 1881, when Sir Theophilus Shepstone became Governor) a location policy in some ways similar to that of Natal was instituted in the Transvaal.

I have dealt at some length with contacts between Black and White in which military conflict was involved, because it does not help towards an understanding of present conditions in South Africa if one ignores the history of armed conflict (which, in Natal at least, cannot be regarded as finally at an end till fifty years ago) or if one ignores the vast differences in traditions and culture which marked off Africans from Europeans during the period in which South Africa was introduced by European enterprisers into a world economy. Even today, assimilation of Africans into the White polity or White economy remains very incomplete; and it may well be as dangerous to neglect these substantial differences—which is, perhaps, the tendency outside South Africa when its racial problems are discussed—as it is to exaggerate them and, in particular, overstress their immutability, which

is, perhaps, a more common failing within South Africa.

Up to the 1870's the main influence which brought the Africans more closely into contact with the European economy was trade. The expansion of European land ownership through Southern Africa had affected essentially only those Africans who were directly involved through having the land upon which they lived appropriated by Europeans, and, through this, learning to act as laborers for wages. But the activities of the traders were far more revolutionary; how revolutionary is very seldom realized. I would suggest one observation which may help one to realize it. In South Africa we are accustomed to think of the blanket used as a garment as being the hallmark of the raw tribal Natives untouched by European influences. But until well after the middle of last century, blankets were practically unknown amongst them. They had no spinning or weaving industries. Their own covering was a skin *kaross*—indeed the Trekkers themselves were celebrated for their home-made leather clothes. It was enterprising traders—mostly Scotsmen—who seemed to realize the potentialities of substituting blankets as prized possessions of the tribal natives; who had blankets especially made for the Native trade in the mills round Leeds, Bradford, Dewsbury, and Batley in Yorkshire, England; and who, in fact, saw the

opportunity for "differentiating" their products and gaining exclusive markets if they could only induce the different tribes each to adopt some particular pattern as being their own and so absolutely *de rigueur*. So the traditional tribal designs of the African blankets were in fact thought out for them by enterprising merchants.

But, if the blanket is merely one instance of the capture of the demand of the African people for European industrial products (and this was something which progressed apace all along the line), there remained the difficulty for the Africans of finding something which they could produce in exchange for all the desirable new articles which the traders made available. The hunting out of the once abundant game, which perhaps made the mass-produced blanket in some ways preferable to the increasingly scarce fur *kaross* as a covering, meant that the trade in ivory and skins, which had been the great standby in the early days, was falling away to very small dimensions. If the Natives were to purchase an increasing quantity of European commodities, they would have to find something else to sell in exchange, and what they did find to sell in exchange was essentially their own labor.

Until the 1870's the demand for Native labor was fairly small; there was no great investment of capital in Southern Africa utilized in employ-

ing labor in order to earn profits for the employer, and the demand for African labor was not only small, it was scattered. There was very little concentration of labor demands into specialized occupations or into particular districts in which employment was offered on any large scale in industries catering for wide markets. Under these conditions only unskilled labor enjoyed any extensive demand, and (as it was not very productive) it was wanted only if it was very cheap. It was largely provided by Natives or Hottentots resident on the farms—often enough as a labor rent for permission to squat upon the land, or in return for payment in kind. But if such labor was cheap, it was not reliable. So there was little encouragement to prospective employers to develop activities which provided increasing numbers of Africans with regular employment.

Moreover, the border districts near the Native Reserves, the very districts where African labor was most plentiful, were those where it was least reliable, and where conditions of life were least secure because of the dangers of military conflict. The Natives of South Africa did not then feel the full impact of the introduction of European methods of production, and their traditional life was modified less rapidly than would have been the case had there been an urgent demand for their labor. In the circumstances, it is not sur-

prising that Native labor was remarkable for its immobility. This was so obvious that from time to time attempts were made to break in upon the self-sufficiency of Native household life by levying taxation which imposed the necessity of going out in order to earn money; while in the two Republics and in Natal, labor was required for public services.

The first big impetus to the industrial employment of the Native came with the opening up of the diamond diggings in 1869-70. At first these were worked on a small scale. The average miner employed not more than two or three Natives for the wage of 10*s. 0d.* (\$2.44) per month. This was spent on the spot on such articles as brass, copper or iron wire, knives and hatchets; after about three months the Natives would return to their homes. Soon the news spread, and from 1870 Natives began to arrive in twos and threes at the diggings in search of work. By 1874 a labor force of ten thousand Natives was to be found in Kimberley. The demand for labor, however, outran the supply available at the price, and wages steadily rose from 10*s. 0d.* per month to 10*s. 0d.* per week, and sometimes on an occasion of great shortage to 30*s. 0d.* (\$7.40) per week; then the prospect of buying guns was made an added attraction. Natives, in order to take part in the Diamond Rush, voluntarily made their way (or were sent

by their chiefs) from the Northern Transvaal, and from as far away as Barotseland, twelve hundred miles away through at least the edges of the Kalahari Desert, while Basutoland contributed a large quota. But the system of engagement on the spot did not always prove adequate. Practically no conceivable supply would have proved adequate in one of the boom years. Recruiting by labor agents was therefore resorted to, not always with favorable results, for bankruptcies were probably commoner than large fortunes in the early days in the Griqualand West diggings, and African laborers who had been recruited on terms which had been quite definite often went without their wages on that account. Occasionally contractors took advantage of the Natives' simplicity to defraud them, or absconded, leaving them stranded and without passes necessary for their movement. This led to a certain distrust of recruitment to the diamond fields—a distrust which often recoiled on the innocent.

The demand for labor did not open up simply at the diamond fields themselves. Railroad construction first began in earnest after the diamond discoveries and called both for a large supply of English skilled navvies, and for a larger supply of unskilled African laborers. But as a rule railroads were far away from the Native territories and were constructed through thinly populated

country; hence "recruiting" for this type of employment had to be resorted to. In the same year, 1885, as the railroad reached Kimberley, the discovery of gold in the Transvaal highveld opened out the modern industrial era. The development of the Witwatersrand intensified and completed the changes which the discovery of diamonds had commenced. It stimulated a rapid supply of capital from abroad and created an intense demand for both skilled and unskilled labor at places remote from the existing centers, either of European or Native African population. Skilled and even semiskilled labor, which did not exist in South Africa, had to be imported and had to be paid at rates sufficiently high to attract it. Very rapidly from outcrop mining, which can be done on a small scale, the development of the Witwatersrand changed to deep-level mining involving expensive shaft-sinking, expensive production equipment, and so on, which could be undertaken only by large corporations employing vast bodies of men. Before the end of the nineteenth century the average number of Natives employed upon the Witwatersrand mines had already risen to over 96,000, and it is now over 300,000.

To get such a large body of Native laborers as this necessitated the thorough development of the system of recruiting. Recruiting, it is true, might mean anything from merely passing on informa-

tion as to where work might be had and what was the best way to travel there, to practices which bordered on kidnaping and the temporary leasing of slaves from Native chiefs. It was partly to do away with such practices on the part of individual competing agents, and partly to prevent individual mines from bidding up the price of Native labor in competition with one another, that the Rand Labour Association was formed in 1897—which, after being reconstituted into the Witwatersrand Native Labour Association in 1901, still acts as the recruiting agent for the gold mines of the Transvaal in territories outside the Union and the neighboring British High Commission territories, while within these boundaries the sister organization, the Native Recruiting Corporation, takes over. As organized at present, recruiting would seem to be singularly free from abuses; and it may well provide the necessary facilities and contacts for obtaining employment more cheaply and effectively than they could be provided by the Africans themselves. Nevertheless, the mines have, for many years past, encouraged what they know as the “assisted voluntary workers” to make their own way to the Witwatersrand. It must not be forgotten that attempts to standardize conditions in the different mines, so as to make it easier to draft recruits amongst them, have conspired with political pressure and trade-union pressure to prevent careers as skilled or semi-

skilled miners being opened out to Native employees.

In South Africa we have also had our Civil War, for that is what the War of 1899-1902 amounted to, though in South Africa it was more than a Civil War, because the might of Great Britain was thrown in upon one side. Immediately after the war of 1899-1902, it seemed likely that recruiting would not suffice to attract a large enough Black labor force to the mines to enable them to restart at full swing, and from 1904 to 1910 Native labor was supplemented by imported Chinese.

The first important color bar legislation was contained in the Chinese Labour Importation Ordinance of 1904, which attempted to ensure that only Native labor was replaced by Chinese. It included an imposing schedule of occupations which had hitherto been customarily followed by Europeans, and from which Chinese were therefore excluded. The legal color bar then introduced survived the Chinese labor experiment.

The disturbance and destruction of the Boer War and the depression which set in when it was seen that the overthrow of Kruger's regime was not going to bring immediate prosperity to the Transvaal first focused public attention strongly on what was known as the Poor White Problem. One result was a growing demand for work to be

reserved for White labor. In 1911 a color bar was imposed in the mining industry by the Mines and Works Act. In 1913, 1914, and 1922 strikes and riots demonstrated the White miners' determination to maintain an even more exclusive one. And so, on account of legislation, custom, and trade-union pressure, the position on the mines was stereotyped as one in which virtually all skilled or responsible posts are reserved for highly paid White labor, while, to facilitate centralized recruiting, the average wages paid to different classes of Native workers on each mine must not exceed an agreed maximum.

We find that the mining industries set patterns for race contacts in the newer secondary industries which developed, creating a position in which the skilled worker was White, and, until the 1930's at least, often an immigrant from Europe, and was relatively very highly paid; while the unskilled worker, who was Black, was relatively unproductive, was paid a lower wage, and could usually be obtained for a low wage because there were no more satisfactory alternative occupations open to him and because the system of recruiting augmented the supply of African labor available at the traditional rates of pay.

But a class of South African-born White craftsmen was not emerging, for White men were unwilling to accept jobs as mere laborers alongside

Blacks and acquire their skill in the course of employment, as the non-European workmen might. In these circumstances special provision was necessary if White South Africans were to learn trades, and this provision was made by the institution of apprenticeship, which was strictly controlled by the Act of 1922. As soon as apprenticeship became the main avenue to a skilled craft, various considerations—in part deficient educational facilities—made it difficult for the Colored or Native youth to take advantage of the system.

The privileged position of the skilled European worker has also been reinforced by the operation of the Industrial Conciliation Act of 1924 and later industrial legislation—despite the advice of the Economic and Wage Commission (1925) that any application of wage regulation should be gradual and cautious and “should deal first with the lowest paid classes of labour, irrespective of colour.” The operation of these acts has, on the whole, particularly in the earlier years, led to agreements or wage determinations favorable to the European artisan. So, in later years, legislation, educational inequalities, and color prejudice, co-operating with White trade-union interests, have combined to perpetuate a discrepancy between the earnings of skilled and unskilled labor which arose because of the peculiar conditions under which the diamond and gold mining industries suddenly blossomed in

South Africa, although these conditions are themselves things of the past. We have attempted to stereotype some of the conditions of colonial exploitation, though we are no longer a colony.

In all this I have deliberately confined myself to the story of the growth of economic contacts between the White settlers and developers of South Africa and those Black Africans whom they had found occupying the same territories or willing to dispute their occupation. It would have complicated the exposition too greatly if I had attempted to follow all strands in the tangled skein of South Africa's racial structure. I have had nothing to say of the Asian element in Natal, stemming directly or indirectly from an immigration out of India commencing in the 1860's, encouraged and assisted with a view to providing labor for the sugar plantations.

Nor have I dealt with the Cape Colored people, the product of long years of intermixture going back to the first days of the settlement in the seventeenth century. Unions of slaves, imported in the seventeenth and eighteenth centuries from Asia, Madagascar, and elsewhere, with Hottentot women provided a main ingredient, while Whites and Blacks have contributed varying shares to the mixture. Early in the nineteenth century the Colored people were the most numerous class amongst the craftsmen of the Cape, though skills altogether

in South Africa tended to lag behind the levels of Europe. Today they form, on the whole, an important intermediate group between the White and Black workers in the Western Cape, ranging mostly from the unskilled to the semiskilled.

Though their economic status is on the whole inferior to that of the Whites, it is superior to that of the Blacks, and their position in the economy has, on the whole, been clear. They have formed an integral part of it, along with the Whites beside whom they have been growing up for three hundred years. They have no land set aside as their exclusive reserves on which to live between jobs, alternating somewhat uneasily between a tribalized agriculture and mere unskilled labor like many Africans. The Western Cape has therefore had smaller gaps in earnings, in outlook, or in culture between its citizens of different race groups than have obtained between White and Black elsewhere—a fact which has received far too little attention in the recent outbursts of racial legislation in the Union.

We are now reaching the point at which I should close this rapid survey. Dr. Moritz Bonn, the great German liberal economist, visited South Africa in 1907, where he said "it was fascinating to watch three of the world's great races, 17,000 white men, 52,000 Chinese and 112,000 black people working side by side in a modern industry

that published its cost accounts!" He said also, "As long as black labor was seasonal and workers returned to their rural tribal life after a short stay in the mines, social dangers were not very great. Once tribal ties were broken completely and a Black proletariat had been created, depending exclusively on wages and unable to rise to skilled positions on account of the entrenched position of White labor, the situation would become very tense. Both labor groups, White and Black, lived in constant fear and resentment, the Whites because they had to ward off native aspirations that were bound to grow as the natives became more efficient, the Blacks because they could not break through the barrier of privilege by which the Whites protected themselves. The Rand showed better than anything else the difficulty of a composite society in which two races live side by side, depend on one another, cannot separate and cannot fuse."

This is how what we might call the emerging "South African Dilemma" (if we thus echo the title of Myrdal's book) appeared to a perceptive visitor fifty years ago. Does it represent the outcome today of that long process of contact which I have briefly tried to outline, that we have reached the inevitable impasse of a society in which Black and White are fated to exist as uneasy neighbors of one another, dependent on one another, unable to separate, unable to fuse, unable to get on with-

out one another, yet unable to get on with one another?

It can fairly be said that those who sincerely advocate a policy of *apartheid*—and there are many such—have reached this pessimistic conclusion. It might also be added that there is much in the recent history of other parts of Africa and of Asia, indeed even of the United States, to reinforce it. For this reason, it is urged, separation must be enforced, and quickly; for if separation will prove costly, will nullify the advantages of an increasingly complex division of labor dependent on interracial co-operation, it will also, it is claimed, resolve the present elements of conflict and avoid the dangers of an otherwise inevitable Black proletarianization.

Regarded in that light, there is much that is attractive about *apartheid*, save (for those who think like me) the awful presumption that human society can be so neatly planned. But, superficially attractive as *apartheid*, seen in that guise, might be as a way of avoiding conflict by avoiding contact, that is not the whole story. It is all very well to look forward to a golden age when there are no occasions for interracial tension once *apartheid* is complete. But it is quite another matter if, in fact, the measures progressively applied both in the legislative and the administrative fields in order to achieve *apartheid* raise those very resent-

ments and occasions of conflict which it is the avowed intention of *apartheid* finally to resolve. This shows only too clearly the dangers of doctrinaire attempts to reverse a process which has operated throughout the three hundred years since White men first settled in South Africa, in which, in spite of conflict, there has also been a steady intertwining of the daily lives of those of different races, through ties of mutual benefit in interdependence.

APARTHEID and the South African Economy

SOUTH AFRICA is a large country, not very rich—though it is rapidly growing richer—despite its possession of sources of riches, like diamonds and gold, which fire the imagination. Nor is it very populous, despite some large agglomerations of people in certain areas, such as Johannesburg and the Witwatersrand. The total area of the Union of South Africa is 473,000 square miles, approximately one-sixth that of the United States, but it might give a misleading impression of its size if one omits South West Africa, which is in many ways (though by no means in all) virtually a fifth province. South West Africa is an immense underpopulated and partly desert area of 318,000 square miles; but, even so, it is not remarkably greater than the neighboring Bechuanaland Protectorate (275,000 square miles), which is administered, along with the much smaller but more populous Native territories of Basutoland and

Swaziland, not by South Africa but by the British Commonwealth Relations Office.

The population of the Union, at the last census in 1951, was 12.6 million, of whom 2.6 million were Whites, 8.5 million Blacks, 365,000 Indians, and 1.1 million people of mixed racial groups, known as "Colored" or "Cape Colored." The population of South West Africa was rather under 50,000 Whites and approximately 366,000 Natives or Colored People.

Land use in the Union of South Africa is limited in various ways, of which the most significant and most unfamiliar from the point of view of those without experience of life in plural societies are the restrictions placed on the ownership and occupation of land outside the Native Reserves by Native Africans and inside those Reserves by any other than Africans. The Native Reserves total 48,300 square miles, that is to say, a little over one-tenth of the area of the Union. In South West Africa, Native Reserves of over 20 million hectares (the land measure employed under German rule is still in use there) have been set aside for exclusive Native occupation. These amount to a quarter of the total area of the territory.

The policy of the Natives Land Act of 1913, which, one might say, enshrined this particular division of land use, was designed essentially for an agricultural community or, more accurately, for

an almost exclusively agricultural and mining community, such as South Africa was at that time, soon after Union (1910). It was intended to provide a protected area for the Natives to occupy, without fear that any of it would be sold off cheap to White speculators in times of misfortune, such as poor crop years, yet to ensure that the protected area would not be large enough to enable its occupants to spend most of their days in idleness. It was intended to protect the rest of the farming land from soil-robbing, tree-destroying Native agricultural practices; to prevent White farmers from taking the easy course of leasing large parts of their immense farms—which were often ten square miles or more—in small patches (together with grazing rights) to ever more numerous Native families, instead of farming the land properly themselves, and to prevent some farmers from thus immobilizing Native labor out of reach of their more enterprising neighbors.

Since 1913 the Union has developed very far from the relatively undiversified economy which characterized it then. Even when the Land Act was promulgated, a quarter to a third of the Native population was not resident in the areas which it scheduled as Native Areas (being elsewhere either permanently or as temporary migrant workers), and it was intended to complete the pattern of

segregation by the "release" of several million more acres of territory, adjacent to the scheduled Native areas, for purchase by Africans. It was not, however, till twenty-three years had passed that any practical steps were taken to set this process of limited accretion to the Native Areas into motion. In 1936 the Native Trust was set up, financed by the proceeds of the Native head-tax, plus amounts paid over from general revenue or State loan-funds, to promote the welfare of Africans. At first about £1 million (\$4.8 million) per annum was set aside for the repurchase, by the Trust, and proper fencing of land bordering upon the Reserves, which had got into White hands. But appropriations of State funds for this purpose have turned out to be very irregular. During the war they were suspended, and, owing to the rise in land values during wartime and post-war inflation, the devotion of considerably larger sums in some of the post-war years has not yet resulted in the purchase of all the 15 million acres of land which it was at first hoped to complete within ten years. Although close on £10 million (\$28 million at present rates of exchange after the devaluation of the pound in September 1949) has been spent, the Trust is still 4 million acres short of the extent originally planned.

It should be noted that this program of land purchase to add to the Native Reserves has not

had even the marginal significance which one might have expected, by relieving overcrowding where it was most acute and thus reducing the density of occupation by men and stock all along the line. The truth is that it has not resulted in a significant net addition to the land available for Native occupation. The larger part of the "released areas" was, in fact, already occupied by Native families and (despite its perhaps being European-owned) often already occupied on a tribal basis. Particularly in the Northern Transvaal, it has not been uncommon for parts of tribes to be established on Crown land (i. e., Public Domain) or land belonging to Europeans. By far the greater part of the African population still lives outside either the "scheduled" or the "released" Native Areas. The last detailed classification to be published gives the position at the 1946 census, and its interpretation requires a certain amount of specialized knowledge. The table is as follows:

*Distribution of Natives in Various Types of Areas,
Census of 1946*

1. Urban Locations	747,404
2. Other Urban Areas	581,439
3. Rural Suburbs of Towns	21,075
4. Rural Townships	30,496
5. Rural Native Townships	35,164
6. Farms Occupied by Whites	2,187,113

7. Farms Occupied by Asiatics or Coloreds	35,442
8. Farms not Occupied by Asiatics or Coloreds	167,782
9. Government Areas	67,578
10. Alluvial Diggings	13,755
11. Construction Gangs	44,965
12. Trust Land, Locations and Reserves	2,595,648
13. Other Trust-vested Land	36,999
14. Trust-purchased Land	125,496
15. Mission Stations (Church)	70,299
16. Tribally Owned Farms	189,174
17. Native Privately Owned Farms	178,704
18. Crown Lands	70,865
19. Mine Compounds	437,560
20. Industrial Compounds	122,179
21. Municipal Compounds	39,911
22. Other Areas	32,867
Total	7,831,915

Items 12 to 18 of the table cover the "Native Areas" and show that some $3\frac{1}{4}$ million Natives out of 7.8 million, or about 42 per cent of the African population in 1946, were living in Native Reserves, while 28 per cent were on farms occupied by Whites and 23 per cent were living in towns on mining compounds. Twenty-five years earlier, at the census of 1921, only $12\frac{1}{2}$ per cent of Africans were enumerated in urban areas, while five years later, in 1951, the proportion had increased to just under 29 per cent.

Our published statistics do not make it easy to provide comprehensive figures for the occupational distribution of the African population. But the significant developments in employment patterns in South Africa are not difficult to demonstrate. In the middle of 1956 65,000 Whites and 478,000 Blacks were employed in mining. Most of these were men. Fewer than 3,300 were Asiatics or belonged to the mixed people we know as Cape Colored. Fifty-one thousand of the Whites and 362,000 of the non-Whites were employed on the gold mines, while coal mining came second in this field with 5,500 Whites and 55,000 others. A total of 113,000 Whites, 104,000 Blacks, and 11,000 Colored men were employed on the State Railroad System. Female employment is also of negligible proportions here.

For other industries information is rather less recent. In the Industrial Census covering 1952-53, 40,000 Whites, 94,000 African Natives, and 13,000 Colored men were employed on building and construction work. This again was mostly confined to men. But in manufacturing industry, a total labor force of 642,000 included 91,000 women, and employment was also much more evenly spread among the different racial groups. There were 162,000 White men and 44,000 White women engaged in manufacturing industry. Over 40 per cent of the Colored labor employed was fe-

male, viz., 35,000 out of 84,000. There were fewer than 2,000 Indian women amongst the 25,000 Indian factory workers, and the proportion of Native women was still lower. Native men outnumbered European men about two to one in factory employment, but there were only one-fifth as many Native women as White women. Yet, though there were fewer than 10,000 women out of 327,000 Native industrial employees, their number had doubled since 1948-49.

A striking illustration of the growing importance of manufacturing industry is found in the Interim Index of Employment prepared by the Department of Labor, which makes use of the average for 1948 as base. In 1935 the index for White employment reckoned on this base stood at 54 and in 1955 it stood at 112, indicating roughly a doubling of the numbers employed. For non-Whites it rose from 36 in 1935 to 138 in 1955, indicating almost twice as rapid a rate of increase as the European one, exceptionally rapid though that rate of development is itself.

Comparative figures for agriculture are less satisfactory. This is partly due to the difficulty of knowing how to classify the Native women in the Reserves, most of whom are engaged in agriculture to an extent difficult to determine. In 1954, 115,416 farms under White occupation were returned under the Agricultural Census, of which

110,369 were more than 20 morgen (42 to 43 acres) in extent. Except for working proprietors and their families, the labor force on these farms was almost exclusively non-European, comprising 609,000 male Natives and 102,000 female Natives, and 95,000 male non-Europeans and 7,000 female non-Europeans other than Natives. These latter were mostly Cape Colored workers and were almost all in the Cape Province, in which there were 92,000 Colored farm workers (of both sexes) to 116,000 Native farm workers on farms run by White farmers. In the rest of the Union there were 594,000 Natives, male and female, and fewer than 10,000 Cape Colored or Asian employees upon White farms.

Before we leave this dull demographic catalogue, there are two further items that should be added. In 1946, the last year for which information is available, the ratio of male to female Natives was 185.5 males per 100 females in the urban areas, 101.5 males per 100 females on White men's farms, 233 males per 100 females in other rural areas—which includes the labor forces of the alluvial diamond diggings, road gangs, etc.—but only 72 males per 100 females in the Native Reserves. There is no easily accessible information, which might be regarded as complete, regarding the age composition of the Native population of each sex, which distinguishes accurately urban, rural, and

Native Reserve areas; but in one intensively studied Native area in the Ciskei, although there are approximately equal numbers of young boys and girls, the masculinity ratio has already fallen to 85 per cent in the 15-19 years age group and it falls to a mere 36 per cent in the 25-29 years age group. This is typical, though not necessarily in the same degree, of all the Native Areas. It is a consequence of the system of migratory labor, which has been and still is the means by which the rapid industrialization and urbanization of the Bantu-speaking African Natives takes place; and it is reflected in the high masculinity ratio of Africans in towns. The latter ratio, however, has been falling rapidly in the last 25 years. In 1921 it was virtually 3 to 1, and in 1936 it was 2.2 to 1 compared with 1.85 to 1 in 1946. It is precisely in the 15-45 years age groups that the great male urban preponderance occurs, and 75.2 per cent of urban Native males fell within those age groups in 1946. But in the Reserves it is the reverse. Only a third of the male Natives in the Transkei were between 15 and 45, whereas more than 52 per cent were under 15 years. About 44 per cent of the male Native population between the ages of 15 and 64 is calculated to have been temporarily absent from the Reserves at the Census of 1951. In the Keiskamma Hoek district of the Ciskei about 55 per cent of the inhabitants at any given

time are children under 15 or old people over 60. Eleven per cent are older children between 15 and 18. "The result is," writes Professor D. Hobart Houghton, "that on each square mile of land in the reserves, there are some 53 children and aged persons to 28 adult workers, of whom only 9 are men."

Some twenty-five years ago South Africa, like the rest of the world, was suffering from the great world economic depression. South Africa was in some ways more fortunate than most other countries, for its gold-mining industry could still sell as much gold as could be produced without having to cut the price in order to find a market; but the same did not apply to the other two mainstays of the economy, wool and diamonds, both of which, understandably, are for different reasons particularly sensitive to fluctuations in the world economy. The minor agricultural products, maize, meat, citrus and deciduous fruit, butter, cheese, etc., each of which might be a major product for a particular area, became generally unprofitable. The agricultural community was faced with a burden of mortgage indebtedness with which it was quite unable to cope.

It would be futile to continue this description, for to those whose memories go back to the Great Depression I am merely cataloguing a South African version of the position at that time of the

rural United States, while the younger people, who did not live through those depression years, simply cannot imagine what it was like. In South Africa, as I believe also in the Southern United States, it posed in sharper terms than for many years previously the problem of the Poor White. This was looked upon in South Africa as the problem of numerous White families of rural origin, who might still be on the land or might already have given up the unequal struggle there without having adapted themselves successfully to city ways. They were in either case unable to earn enough income to maintain themselves according to "civilized" standards of life and were deprived of the chance of learning to do so on account of the unequal competition of unskilled labor of primitive, "uncivilized" habits.

In 1930 a Commission of Enquiry was appointed by the Government, which is known as the (Holloway) Native Economic Commission, 1930-32. Its terms of reference directed its attention more specifically to the Native urban worker and to the effects upon the European urban community of different policies respecting the urban African. It was largely intended to advise about how the Poor White problem could be tackled by attacking that complicating factor which distinguished it from the general problems of poverty in a homogeneous society. The presence of Black potential

competitors and neighbors, whether they were worse off or better off, made harder the difficulties of adjustment of the first- or second-generation rural migrant who was undertaking wage earning employment in towns. It was different where rich and poor were largely of similar race with similar fundamental attitudes. This was the question on which guidance was sought.

But, though the Commission was bidden to consider the urban African and the effect of his competition upon White wage earners, the report gave the bulk of its attention to the Native Reserves. Why was this? It was due to the Commission's conviction that the real problem lay in the Reserves, and that it was here that the solution of the Native economic problem must be found.

The premises on which the report was based were roughly these:

(i) For their own sake, as well as in the interests of social justice, there must be no mere featherbedding of the Poor Whites or the White artisan classes at the expense of the Blacks.

(ii) Far from wickedly undercutting the White worker for their own advantage, the urban Africans, who had no other home than the towns and no other resources than their labor, were unhappily being squeezed between the Whites, who would always be given preference in job-seeking at approximately equal rates of pay, and the pressing hordes of temporary migrants from the Reserves, who were not entirely dependent upon their

wages, who were coming into the towns in such numbers as to be able to meet the bulk of the local requirements for unskilled labor and were willing to accept almost any wage to get a job.

(iii) Those Africans who were permanently settled in the towns had a right to be protected against such an influx of migrants, whose effects on the economy were self-defeating since they enabled employers to cut down production costs only by reducing purchasing power at the same time. Any such protection for resident urban Blacks would automatically extend itself to the less-skilled Whites.

(iv) The influx from the Reserves was mostly the result of a "push" rather than a "pull." The Reserves were ill-farmed, overstocked, and eroded; their carrying capacity for men, beasts, and crops was dropping alarmingly. Unless vigorous measures of rehabilitation were undertaken without delay, within ten or at most fifteen years they would present a catastrophic picture of desolation and poverty.

(v) Without such rehabilitation of the Reserves, not only would the flow of temporary migrants into towns where no work was to be had never be checked, it would increase disastrously.

(vi) In the rehabilitation of the Reserves and the fuller development of their inhabitants "on their own lines," so that they would be happy to stay there, would be combined the solution both of the rural and of the urban Native problem (and by implication, of much of the Poor White problem).

(vii) As the African Natives are a conservative people, wedded to preindustrial habits and not very markedly influenced by market considerations as in the European

community, the policy of economic reconstruction of the Reserves would have to be accomplished through the co-operation of the Native tribal chiefs, whose hands might have to be appropriately strengthened and their actions wisely guided.

(viii) Changes in the content of African education away from the predominantly bookish one said to be specially favored in the mission schools might be an important process in all this.

I have set out at some length the ideas behind this now almost forgotten report of 1932, because it seems to me that most of the fundamental features of what I might term the modern doctrine of "beneficial *apartheid*" are foreshadowed there, or stem from it. I see two points of special interest. One is its origin in the period of the Great Depression. Is it likely that there would be particular difficulties in the practical application of these policies during a protracted period of creeping inflation and full employment, when, for example, the assumption that a "push" rather than a "pull" is the operating force in migration to the towns from the Reserves may be much less realistic? The second is a rather fundamental difference that I discern between the view of the Native urban worker which Dr. Holloway and his commission held in 1932 and the one which the Minister for Native Affairs, Dr. Verwoerd, holds today.

For Dr. Holloway, a stabilized urban community of Africans, staying long enough in one job to pick up skills, seemed one desirable support of industrial life; hence temporary migrant labor, which upset this stabilization process and caused high labor turnover and consequent low levels of skill and productivity as well as delaying a complete adjustment of the permanent urban community to the conditions of urban life, ought to be brought to as speedy an end as possible. To Dr. Verwoerd, no African Native should have a permanent stake in any European community, hence there should be no permanent urbanized Black force; but the needs of industry for labor should be met by a continuous inflow of temporary migrant labor, which would, in his view, be compatible with any reasonable expectation of what "total *apartheid*" ought to mean.

It may be that it is the development of the South African economy in the intervening years which has caused this deviation. South Africans in the last twenty-five years have forgotten about the "Poor White Problem" because the rapid expansion of the economy (especially at the same time as the war imposed serious limitations of immigration) has eased to the point of virtual abolition the transition from Poor White rural migrant to at least established lower-middle-class artisan or semiskilled machine operative or clerk. In-

cidentally, it has shown what tragic waste of potentially good self-supporting and self-respecting human material there was in the class which was once the source of the "Poor Whites."

Between 1932-33 and 1938-39 the net national income of South Africa, it has been calculated, increased at a rate of 8.8 per cent per annum; from 1938-39 to 1946-47 it rose at a rate of close on 11 per cent per annum, since when it more than doubled, from £685 million in 1946-47 to £1,457 million in 1954-55. Allowing roughly for price changes (and one can do so only roughly) it would not overestimate the change in the real net national product to say it had increased much more than two and a half times over in as many decades. During the same period the real national income per head of population must virtually have doubled. In the fifteen years 1936 to 1951 (chosen because in those years there was a complete census of the population) the real income per head is calculated to have increased over 50 per cent.

One of the noteworthy features of this rapid increase in the national income is the large part which the rise of manufacturing industry has played in it. I have already given some figures of employment in manufactures. The number of private manufacturing establishments rose from 7,700 in 1930 to 10,000 in 1940, 14,900 in 1950, and 15,600 in 1952. The share of manufacturing

industry in the national income had risen by 1954-55 to £386 million out of £1,633* million as compared with £245 million for agriculture, forestry, and fishing, and £198 million for all forms of mining. That is to say, the urbanization of both rural White and rural Black were simply different facets of the rapid structural changes which characterized South Africa's almost explosively expanding economy, of which another aspect has been the rapid spread of non-Europeans as semiskilled laborers.

White and Black workers might well have continued to rub along together under conditions of full employment for both, a situation at least conducive to the lessening of interracial rivalries and frictions, if it were not that in an overdriven economy something has to go, and in South Africa what suffered was the provision of adequate housing for all the families crowding into the cities to take advantage of the employment opportunities there.

The rivalries for living space thus engendered, the envy of those already satisfactorily installed on the part of those who were not, and the rapid spread of noisome Black slums through the outskirts of the towns and—not to be neglected—the

* This is the "geographical" national income and is larger than the previously quoted total of £1,457 million, because the share in the product which accrues to outside claimants has not been deducted.

general impatience of White housewives as non-White servants became scarcer, dearer, and less humble, have helped to set the stage for the present legislative program of residential and industrial *apartheid*.

It is a part of this program that industry be encouraged in and on the borders of the Native Reserves so as to end the constant migration of Africans from the Reserves to the towns. In 1950 a Commission on the Socio-Economic Development of the Bantu Areas was appointed by the Government, under the chairmanship of Professor F. R. Tomlinson, an agricultural economist. After considerable delay, its report was published in March 1956 in greatly abbreviated form, having been cut down to 212 pages from the 3,775 typewritten pages of the full report submitted to the Government in October 1954.

The report accepts *apartheid* almost as a categorical imperative, since separate development of Black and White is the only means of preserving the identity of the Whites in South Africa and the "White civilization" they have brought to Africa. This, it declares, justifies some degree of "discrimination" for, in its absence, "what would happen is that the foundations on which European civilization rests, would vanish before the European himself disappeared." In spite of the obvious growth of common interests between Black and White,

their complete realization is unattainable and "the separate development of the European and Bantu communities should be striven for, as the only direction in which racial conflict may possibly be eliminated and racial harmony possibly be maintained."

To the members of the Commission that is not a mere euphemism for continued "discrimination." When it continues, "The only obvious way out of the dilemma lies in the sustained development of the Bantu Areas on a large scale," it means that, at all cost, this development must be taken in hand, to "be tackled in the spirit of an act of faith," taking comfort from the fact that "it cannot be described as impossible, indeed not even as exceptionally difficult, when it is compared with the task of reconstructing the war-devastated countries after 1945." Indeed, the spirit of fervent evangelism which is prominent in the chapters which discuss *Christian Missions* and *Ecclesiastical Development* in reality informs this whole report, which is a call to the Europeans in South Africa to undertake a serious and self-sacrificing effort to make the Native Reserves capable of sustaining an *apartheid* which is not a sham.

Whether, even though not a sham, *apartheid* is wise, is another matter, but the members of the Tomlinson Commission, at least, are ill-fitted by the common stereotype which the outside world

imagines covers all South African supporters of *apartheid*. And though their panacea perhaps assumes too easily that the Africans can be molded in one desired direction without changing them in other ways, they recognize, realistically enough, that one chief problem to be faced is the attitude of those Europeans, of the politically dominant community, who do not share their strenuous view of what *apartheid* must involve if it is to be just and effective. "Even the European presents a problem," they write, "since many Europeans and influential interests among them, still look on the Bantu Areas solely as a source of labor, and may attach more importance to the economic pressure which compels the Bantu to leave their own Areas, than to a positive effort to rehabilitate those Areas and their populations, by providing there those opportunities for making a living which the Bantu at present have to seek elsewhere. Even those who would not consciously place private profit above human values of such vast magnitude may, in many cases, still be tied to the traditional view that all development should take place in the 'European' parts of the country, and may not readily adopt the same positive attitude towards the four million inhabitants of the Bantu Areas, as towards their own less numerous racial group. . . ."

The difficulty is real enough for its understatement in these unemphatic words to be unfortunate.

For the conclusion drawn from it is not one which points out a way towards vigorous action with which to overcome the problem. It is a mere formula, the truth of which is unquestioned, but of the sort more likely to delay than to hasten positive action. The Commission (at least in the abbreviated version which has been published) merely goes on to say, lamely enough: "Consequently, in the planning and execution of development schemes, it will be necessary to proceed in such a way that the support of the European is also obtained." How does the Commission recommend that a start be made upon this task?

At present, according to the calculations it has made, the Commission reckons that 4 million out of $8\frac{1}{2}$ million Native Africans look upon the Reserves as their home. Within twenty-five to thirty years it ought to be possible to develop the Reserves sufficiently to support 8 million from agriculture and industry within the Reserves. The basis of this calculation appears rather tenuous. It is assumed that only 2.4 million of these will be supported from agriculture, forestry, and mining within the Reserves. The figure of 8 million, supported from activities within the Reserves themselves, is a "blow-up" from the 2.4 million, based on the assumption that there would be sufficient industrialization for a proportion of 70 per cent of the population to be maintained by secon-

dary and tertiary activities while 30 per cent only would be engaged in agriculture and forestry. This projected occupational distribution is based on that of Canada in 1941 rather than that of the Union in 1946 (which would have given an approximately 50-50 distribution), on the ground that a relative expansion of secondary industry and tertiary employments similar to Canada's might be anticipated.

One and a half million dwellers in the Reserves (dependents and retired persons) might, it is forecast, be supported in the Reserves from income earned outside them, while the number of migrant laborers temporarily absent from the Reserves would have been reduced to half a million. Even so, at the end of twenty-five years, given present demographic trends, 40 per cent of the Natives would still be permanently resident outside the Native Areas, and 30 per cent would still be resident outside them at the end of the century. Since, by the end of the century, according to these trends, the African population would be of the order of 21 million, it is clear that the degree of *apartheid* envisaged by the Commission still involves an increase of 1.5 million to 2 million Natives in the non-Native areas by the year 2000, not a net departure from the "European Areas" to "Bantu Areas."

The proportion of those still intermingled with the Whites would, however, gradually be diminished. By the incorporation of the United Kingdom's High Commission Territories of Basutoland, Swaziland, and the Bechuanaland Protectorate, and by the consolidation of the existing scattered Native Areas, it is envisaged by the Commission as a longer-run objective that seven Native provinces could be created, one for each of the most important tribal groupings, which would enjoy regional self-government. The carrying capacity and the powers of attraction of the Bantu areas would be added to, and this might lead to a complete division between Black and White areas in Southern Africa.

Not only plans of this long-period scope, but even the more modest ones put forward for immediate action, would involve a planned revolution in both agriculture and industry in the Reserves. In spite of the desire to bring about changes in economic and political organization within the framework of the tribal system, individual freehold tenure of uniform "farming units" of land is suggested, the units varying from under four acres (plus grazing rights) per family on productive irrigation settlements to an average size not far short of 600 acres in areas of extensive pastoral farming. In each case, the unit should be readily capable of yielding a gross income of

£60 (\$168.00) per annum at 1951-52 prices, according to present Bantu farming practices, and of yeilding greatly increased incomes as the farming methods in the Native Areas improved.

In order to make a start with adequate "farming units," 1.5 million people would have to be taken off the land and found other employment than their present scant subsistence agriculture.

To cope with these 1.5 million people, a hundred new towns, some of large size, must be created in the virtually townless Reserves. Although it is a favorite policy of the Minister for Native Affairs that a big development of European industry should be encouraged on the borders of the Reserves, to which the workers could return at night without disturbance of residential *apartheid*, the Commission did not view this proposal with great favor. While it might help to provide employment, the members argued, it would also tend to perpetuate the disadvantages of having Europeans only at the top and Africans only at the bottom. Development deep within the Native Areas was seen as the only really effective method.

To give impetus to this, the Commission proposed that a government-financed development corporation be formed, which would devote special attention to the development of lighter industries (e. g., textiles), forest industries (including furniture, bark-decortication, etc.), industries based

on local farm production (e.g., leather, footwear), and so on. The corporation must also encourage with loans, assistance, training, and advice, the emergence of Native entrepreneurs and their taking over Reserve industries even where it had been necessary to make use of White capital and enterprise to get them started. The initial capital of this corporation should be some £25 million (\$70 million) over the first five years. If larger sums were subsequently found to be needed, they would have to found.

Altogether the Commission reported that £104.5 million (\$290 million) would be the minimum capital requirements which must be met from State funds over the next ten years. Beyond this it did not like to venture, though it hoped that as the pace of development grew, it would become easier to finance future development out of the fruits of what had already been accomplished. In the first year £9 million (\$25 million) might suffice; but "half-hearted efforts will make no impression."

Whatever may be said by politicians on all sides, now this report has been published (and it will be plenty, despite the inadequate debate in the House of Assembly during three days in May 1956), it undoubtedly represents a real effort by a devoted and sincere body of men, who have labored hard to draw up just and sensible plans for guidance in

overcoming the consequences of past neglect of the Native areas in South Africa. And there is little doubt that something needs to be done about these areas. It cannot be a healthy state of things when only a tenth of those living and working there are grown-up men. They are in a semiderelict state.

How far the Report will eventually be translated into action I should not like to forecast. Mr. J. H. Hofmeyr (vice-premier in South Africa's wartime Cabinet and a man of principle) often used to quote the maxim that "Politics is the art of the possible." It would be comforting to hope that merely some of its more ambitious and therefore more impractical aspects would be sliced away at the start by the normal process of Treasury estimate-pruning, and that worthwhile residues, not necessarily connected with a further extension of *apartheid*, would remain.

The comment of the *Cape Times* has much to commend it:

Taken as a whole the practical recommendations look hopeful. If the Government tackles the Commission's programme energetically it should have the support of the majority of the taxpayers and of all parties. If the Nationalists require the incentive of total *apartheid* hopes to induce them to do the plain duty of White South Africa towards the reserves and their people, it should be counted as an accidental blessing for the Native people that the Nationalists have that hope. It is common

cause that the reserves cannot be allowed to deteriorate further, and it is common cause that the present tempo of development is far too slow. . . .

. . . If the cost for the next 10 years is £10,000,000 a year, then Mr. Louw [at that time Minister for Finance] must find the money somehow. . . .”

But if politics is the art of the possible, the aim of the party tactician is to get his party into office and keep it there. His art, like the military tactician's, lies in recruiting his army and keeping it in being, and in keeping it disciplined and more numerous than the enemy's. In political maneuver the platform of *apartheid* has had the advantage of making an appeal to many people to whom it has meant different things; and the party tactician, seeking power, wishes to hang on to all these different sources of support.

There are many who have been oppressed by the difficulties of a society embracing peoples of different races and vastly different culture, who have been disturbed by the economic and other inequalities it has created and the tensions brought by them. And so, like members of the Tomlinson Commission, they have come to regard complete separation as essential, at least as much in the interests of the Black man and his development as in those of the White.

They have looked rather longingly at Australia and, perhaps not always perfectly informed, have

envied that country for escaping the conflicts and stresses of a racially heterogeneous society through its "White Australia Policy." Some, a little sophisticated, have even felt that Australia's exceptionally friendly present relations with the Asian countries owe not a little to these being essentially, through the White Australia Policy, external relations alone. And, taking heart from such events as the separation of India and Pakistan, they do not shrink from the "social engineering" implicit in attempting to create a homogeneous White South Africa by separating it out from the Black South Africa mingled with it.

But to many others *apartheid* means something much simpler; it has been expressed in crude terms as ensuring that so long as a White man is without a job, no Brown or Black man should be in one. So long as a party enjoys the votes of both groups, with their very different conceptions of *apartheid*, its tacticians aiming at the consolidation of power and enjoyment of office have the materials of electoral victory in their grasp.

The plans proposed by the Tomlinson Commission are very radical in some respects and very tentative in others (particularly in respect of the optimum tempo of development, and the need to avoid planning too far ahead and too comprehensively). Thus one can well imagine that the quite large body of people whose support for

apartheid is conditional upon its being an active policy of development along these lines will be likely to tolerate many delays and suffer the long deferment of many hopes before succumbing to complete disillusionment. This unfortunately encourages politicians to take a tactical view of what is practical politics, which tends to the lowest rather than the highest common factor. One danger to South African society and to the economy is that while the difficulties, real or political, in the way of rapidly creating a separate Bantu economy cause a standstill in these plans, yet more rapid progress is made with the other side of a legislative and administrative program, based upon the premise that the Africans (and for that matter the Cape Colored and the Asians) have no part in a common society or in the economy controlled by White South Africans, and at some time in the future will instead enjoy the benefits of their own separate ones.

That is to say, the restrictive side, which does away with common citizenship and segregates from common opportunities, is easier of accomplishment than the creation of adequate new forms of citizenship and of separate economic opportunities for the non-Europeans, which will be superior to those foregone. Thus increasing degrees of separation, involving immediate disabilities, may be brought about at once, while separate development, creat-

ing a higher range of opportunities in a segregated society, may have to wait till the more distant future, or be indefinitely postponed.

The Government has already issued a White Paper, in which it shows some complacency, where the Tomlinson Report stressed urgency. It rejects the fundamental (but undoubtedly hazardous) reform of tribal land tenure. It rejects the Commission's plans for speedy industrialization of the Reserves with the assistance of White capital, technical knowledge, and business ability, but expresses its determination, instead, to foster the establishment of industries owned by Whites on the borders of Native territories. It rejects the proposal for a Development Corporation with £25 million of State funds to administer over the first five years.

Yet one of the weaknesses of the Tomlinson Commission Report is surely that its estimates of what a public investment of a mere £10 million (\$28 million) per annum would do over a period of ten years is hopelessly optimistic. Could the whole economy of the Native Reserves be completely transformed by an investment policy of this limited scope? Would a government investment of this size attract so much additional private capital to the Reserves as to reverse their normal condition hitherto of lagging behind the rest of the country?

Total gross capital formation within the Union as whole in 1955 is officially calculated as £472 million (\$1320 million), £319 million of which was private investment and £153 million public investment. Forty-two million pounds is accounted for by changes in inventories, and £430 million (\$1200 million) was invested in assets classified as buildings and construction, machinery, plant and equipment. One of the criticisms which might well be leveled at the Tomlinson Report is that a much larger proportion of the gross additions to capital would have to take place in the Reserves from now on, if they are to become a much more important sector of the South African economy than they are today. Yet £10 million per annum is only 2.1 per cent of today's rate of gross investment, only two-thirds of one per cent of the net national income; it is about 10.5 per cent of the Central Government's 1956-57 Loan Budget or 3.8 per cent of its Revenue Budget. The South African Mutual Life Assurance Society alone made new gross investments totaling £12.5 million in the Union during the last financial year.

It may be true that £10 million per annum is as great a rate of capital investment into the Reserves as can be absorbed today without waste. But in that case, rosy prospects of a speedy rehabilitation of their economy which will render *apartheid* just and practicable must be recognized

as illusory. The Commission's minimum estimates seem well below the minimum that would prove effective, and may well have been scaled down to help to gain more easily the acquiescence of the European sections of the community.

Subsequently, in a rather unsatisfactory debate on May 14-16, the Prime Minister announced that an extra £3½ million (\$9.8 million) would be spent this year on Native development beyond what had been budgeted for on the year's estimates. Whether in a spirit of obstinacy, party tactics, or niggardliness, or for a mixture of motives, it seems unlikely that Government policy will be extensively guided or greatly hastened by the Tomlinson report.

Whatever considerations are, in fact, going to govern the application of *apartheid* in South Africa, the fact that it is something which has to be *applied*, an attempt to impose a pattern upon society, must disturb social relations and distort the workings of the economy. The difficulties which have arisen in the United States over an imposed educational desegregation might point to the still greater difficulties in this third quarter of the twentieth century in the creation in South Africa of an imposed more radical separation. In the more strictly economic context, it must be stressed that the present dynamism of the South African economy is all centred on areas remote from the Native

Reserves; that so far little *apartheid* has been achieved save on paper, in legislation rather than in significant forms of geographical separation, and that the rapid growth of the economy has been bound up with this growing integration—in fact, in spite of all contrary theories—of more and more Africans more and more whole-time into the European economic structure.

If the present processes are seriously interrupted, it may well affect, to a critical extent, the possibility of providing domestic savings on a scale adequate to meet the vast capital requirements of any worthwhile rehabilitation scheme for the Native Reserves. If *apartheid* is regarded as the final solution to the race problems of South Africa, a view of the South African economy must pose sobering reflections on the many great problems which would be created in the attempts to carry it through.

The Recent Constitutional Struggles and Their Background

FOR THE FIRST two hundred years of European settlement at the Cape, there was little to be recorded of constitutional development. Until after the outbreak of the French Revolution, the Cape of Good Hope was a colony of the Dutch East India Company, subject to the governing bodies in the Netherlands and to the official bureaucracy which held subordinate power in the East Indies. The ships of the Company normally sailed in convoy for considerable parts of their long voyage, and it was usual for the Admiral of each fleet to come to decisions supported by the advice of the senior officers on the several ships. A modification of this system applied also to the land stations such as the Cape of Good Hope. The Commander (since the later years of the seventeenth century, the Governor) of the colony, sat as occasion required with a Council of Policy, comprising local officials, which was reinforced from the visiting

senior officers when one of the Company's fleets was in. All its decisions were transmitted to Batavia and to The Netherlands and were subject to disallowance.

Of self-government there was none, but there were numbers of local organs on which officials and unofficial members might be associated, though not upon an elective basis. The main representatives of government in the country districts were in fact boards of *landdrost* and *heemraden*, the *landdrost* being a paid official and the *heemraden* comprised of white settlers (*vrijburgers* as they were called to distinguish them from servants of the Company) who held much the same position as the unpaid Justices of the Peace in English local government. The number of white colonists was fewer than fourteen thousand in 1793, and they straggled more than five hundred miles from Cape Town in one direction and (still more sparsely) some four hundred miles in the other.

During the French Revolutionary and Napoleonic Wars, the Cape was twice captured by British forces (to deny it to the French) and after 1814 it was retained as a British colony. At first participation by the local inhabitants in government was, if anything, reduced; but in 1825 a Council of Advice with three official and three unofficial members was created, and in 1834 five nominated unofficial members were added to five officials to

form, with the Governor, a Legislative Council. In 1853 self-government was granted in the form of an elected Legislative Assembly (Lower House) and Legislative Council (Upper House) but with an Executive Council of officials not responsible to the Parliament. In 1872 full responsible government on the British parliamentary pattern was granted. From the start, Cape parliamentary institutions were based upon a franchise in which there was no discrimination by race, but qualifications regarding regular employment or the occupation of property of a certain value, and later also educational qualifications, were demanded, low enough to cause no difficulty to anyone who might reasonably be considered to belong to a "civilized" community.

In the meantime, while the Cape had been slowly increasing its English-speaking population by immigration, it lost appreciable numbers of its Dutch-speaking population through the movement known as "The Great Trek." No accurate estimate of the size of this emigration has been made, partly because it is impossible to give a definite date when it started or came to an end, and the Cape long remained *magna mater virorum* for the younger states of Southern Africa. Dr. S. P. Viljoen has stated that 12,000 to 14,000 Whites left the colony through the Great Trek between 1835 and 1845, approximately equivalent to the

whole natural increase of the population over the period. In the Orange Free State census of 1880, 15,000 out of 61,000 Whites enumerated had been born in Cape Colony; in the Transvaal census of 1890, 30,000 out of 114,000.

Suffice it that by 1858 there were settled governments also in three other communities which had not existed twenty years earlier. In Natal, another British colony, and unlike the Cape almost exclusively English-speaking, a single-chamber Legislative Council of twelve elected and four nominated members had functioned since 1856; but the franchise was withheld from tribal Natives, who were subject to Native Law. In 1893, Natal secured responsible two-chamber parliamentary government, though the Legislative Council (the Upper House) was a rather impotent nominated body, and by 1896, by rather devious ways, Natal had virtually eliminated the non-European vote as a potentially serious factor.

In the Orange Free State, the so-called "model Republic," a brief but comprehensive constitution was adopted in 1854. It provided for universal suffrage for all white males of sixteen years of age and six months' domicile, but no representation of non-Whites, for the election of a small single-chamber *Volksraad*. Executive power was exercised by an elected President and an Executive Council, part *ex-officio* and part nominated by the

Volksraad. Alterations to the constitution required a three-quarters majority of the *Volksraad* in each of three consecutive annual sittings. (This was later reduced to two sittings, while property qualifications for voting were introduced for those not born in the Republic.)

In the Transvaal (or South African Republic) a prolix and obscure constitution of 1858 had divided governmental powers between a *Volksraad*, an elected president, and an executive council with some elected members, some members nominated by the *Volksraad*, and an indeterminate number of both permanent and temporary official members. The *Volksraad* was elected—on a manhood suffrage basis—by citizens, or *burgers*, of the Republic. At first the qualifications for citizenship were vague, though always confined to Whites. Later, they became far from vague, but, for those not born in the Transvaal itself, troublesome to satisfy. Eventually, it took a minimum of fourteen years and a somewhat complicated rigmarole of formalities for an *uitlander* to become a *burger* capable of voting for members of the *Volksraad*. To check the dissatisfaction of the large numbers of immigrants attracted by the gold discoveries of 1886, while still reserving all real power for the original Transvalers, the odd experiment was tried, in 1890, of constituting a second *Volksraad* for which “naturalized burgers”

who had been resident only two years might vote. But this *Tweede Volksraad* was not a second chamber of review; it was only a subordinate assembly with power to pass legislation upon a range of economic or "social service" matters delegated to it by the *Eerste Volksraad*, and subject to its approval. Critics of the president were not lacking who claimed that the really influential assembly was what they called the *Derde Volksraad*, by which they meant the pressure group of holders of exclusive concessions or of aspirant concessionaires surrounding the president.

Thus there were four separate governmental systems in South Africa; and only in the Cape was there a common roll for qualified voters without distinction of race. It is true that, in the Cape, the qualifications were more easily acquired by a White man than by a Native or a man of mixed race. It is even true that in 1892, partly because of fears that non-Europeans might achieve the franchise too easily, the property qualification of voters was raised. Previously the occupation of property of a value of £25 (\$121.70), or else being regularly employed and earning £50 (\$243.40) a year in wages were sufficient. The property qualification was now raised to £75 (\$365.00), and ability to sign one's name was also required as a mild proof of literacy. But this imposed no intolerable hardship; and a colony which had not quite completed

the annexation of the Transkei, adding close on half a million primitive tribal Africans, a third as many again as the existing White population, might have run some risks had an unconditional universal suffrage been followed. In the three remaining territories, on the other hand, there was a denial of voting rights to non-Whites because they were not White and a grant of the vote to virtually all adult White male citizens—although there might be more or less strenuous difficulties in the way of Whites not of the dominant group obtaining citizenship—while a low property, rental, or income qualification existed in Natal even for White men, and in the Orange Free State, a rather higher one for those not born in the territory.

On this contrast, in its South African setting, I might quote from the autobiography of Sir James Rose-Innes, a great Chief Justice of the Union of South Africa, and at the end of last century one of the parliamentary stalwarts of the old Cape Colony. Wrote Sir James about twenty years ago, after the "Northern" rather than the "Cape" franchise pattern had become predominant in South Africa:

A wide extension of the franchise is, speaking generally, a democratic aim, but regard must be had to facts. Our constitution places in the hands of a minority, numbering one-fifth of the population, the supreme legislative and administrative control of the remaining four-fifths.

Between the two sections, the governors and the governed, there are differences of race and colour, strong prejudice, and a traditional policy of economic exploitation. To pursue a policy which shall be just and fair to the subject majority and beneficial to the State as a whole, is a tremendous task. One would expect some selective attempt, some test of education or intelligence, to ensure that the voters who control the policy should possess some qualification, other than the mere colour of their skin, to discharge it. There is nothing of this kind. Colour remains the only qualification. No country needs a high-level franchise more than South Africa; no country has a lower one.

While it was only in the 1850's that the two republics were formally established as separate states, Sir George Grey (the Governor of the Cape during its first years of representative government) had horrified the British administration by pressing it in 1859 to take a bold initiative in bringing about confederation. At the time the British Government thought it had just satisfactorily escaped from assuming greater responsibilities than it desired in South Africa. But in 1877 the British Colonial Secretary (Lord Carnarvon) was pressing plans for unification for which there was insufficient agreement within South Africa itself (much as its political divisions were deplored on all sides) and the Parliament in London was induced to pass a permissive act in 1877, oddly enough with the short title of the "South Africa Act," in which the

prospective amalgamation was provisionally described as "The Union of South Africa" with a federal parliament called "The Union Parliament." The Act contained a time limit of five years; it was to be inoperative unless union had been achieved within that time.

Carnarvon's federation plans suffered a resounding shipwreck on a number of sharp rocks. The most important were, first, an ill-timed, impatient, and (as events proved) insecure annexation of the Transvaal Republic (authorized by the Colonial Secretary the very same year but without the knowledge of the High Commissioner sent to achieve federation!); and, second, the mistrust of the Liberal party opposition in the United Kingdom Parliament of "Colonialism." It believed this to be implicit in a policy destined to swallow up the Republics in a large British South African Federation. With the advent to power of Gladstone's second administration in 1880, a withdrawal of active British support would in any case have taken place, even had the British forces not suffered a reverse at Laing's Nek and disaster at Majuba against the Transvalers who had resolved to fight to regain independence. That no positive steps of withdrawal were taken, till forced by events, was caused by another element of mistrust in London of South African policies, i.e., a deep and continued mistrust of the Native policy of the

Transvaal Republicans on the part of the radical wing of the Liberal party. For this reason a compromise was reached by which the retrocession of the Transvaal was subject to an ill-defined British "suzerainty" to be exercised particularly in Native affairs.

Here one might perhaps interpolate a few remarks, which may help to explain something of the unhappy story of British intervention in the affairs of South Africa in the latter part of the nineteenth century. The stumbling block was usually the Transvaal, and the vagaries of British policy were summed up, even if oversimplified, in a complaint of Sir Alfred (Lord) Milner that his instructions gave him two overriding considerations which experience proved to be mutually incompatible, viz., conciliation of the "Dutch" and protection of the Natives. South Africa today, under its present government, has indicated plainly enough to the world that it does not intend to be either persuaded or browbeaten into modifying its color policy, even though the rest of the world (often with insufficient detailed knowledge) has no hesitation in branding it as oppressive. Yet the United Nations finds great difficulty in following a firm and consistent line in the light of these almost universal convictions about the wrongness of South African policy; for the more sober statesmen at United Nations realize the dangers of over-

stepping its competence into unjustified interference with a member State's domestic affairs, and shrink from the difficulties and dangers of employing adequate sanctions should it be forced to make the attempt against a recalcitrant South Africa.

Moreover, as some of the experiences of American intervention in the Korean War have shown, at present whether the United States intervenes directly or in pursuance of its obligations to United Nations in any other part of the world, however indignantly Americans may repudiate it, some of the mud of "American capitalist imperialism," which is inevitably thrown, will inevitably stick. And fear of this may lead to vacillations of policy. In the nineteenth century, the British, with all their faults, right down from their abolition of the slave trade in 1807 and their use of the Royal Navy as an international police force against slave-trading, tried hard not to run away from the more uncomfortable burdens of this nature which their position of world leadership seemed to impose. And they had no League of Nations or United Nations Organization with which to share responsibilities or to deflect the shafts of envy and suspicion launched against all their actions. I wonder whether a greater understanding both of the Imperial problems facing Britain in South Africa in the later nineteenth

century and of the reasons for the stiff-necked Transvaal reaction to Imperial pressure, may not arise from today's conflict with world opinion, with Prime Minister Strijdom in place of Kruger, the United Nations in place of the British Parliament, and, some South Africans might suggest, Mrs. Pandit or perhaps Mr. Krishna Menon trying to edge themselves into the position of Joseph Chamberlain, to apply the pressure which would make open conflict inevitable.

Between the failure of confederation in 1877-81 and the achievement of Union in 1910, there were great changes in the South African scene. First, we might glance at the changes in the whole character of the Transvaal which resulted from the gold discoveries of 1884-86. Within ten years of the opening up of the Witwatersrand mines, there was an urban or mining population of European immigrants at least as numerous as the settled Dutch-speaking rural population. Their position vis-a-vis the Transvalers could be described by adapting the felicitously chosen words Walter Prescott Webb used of Austin's Texans and their relations with the Mexicans. "They were in contact with the Transvalers—not so much with the Transvaal population as with the Transvaal government, under which they had voluntarily placed themselves, but with which they never found themselves in complete accord." The big difference was

that they were not on the outskirts, in a vast area scarcely administered by the Mexican government. They were within fifty miles of the capital of the Transvaal.

With just as good reason as the Mexican government came to fear and try to check this alien infiltration into its territory, so did Kruger's Transvaal government try to ensure that all power should rest with the original *Volk* and not fall into *Uitlander* hands. No Houston arose to establish *Uitlander* independence, possibly because Rhodes and Chamberlain were afraid that an independent republic on Texan lines might be the result of a successful spontaneous revolt; so to forestall such an event and ensure that the way would be kept clear for the unification of South Africa under the British flag, they engineered the inept and pitiful "Jameson Raid" of 1895, which set off no accompanying rising such as was expected in the gold town, Johannesburg, itself. After the Raid, the final show-down in the war of 1899-1902 could hardly have been averted.

When the war came to a weary end in 1902 with the defeat and annexation of the Boer republics, government in the former Orange Free State and Transvaal republics was at first wholly in the hands of British officials. There was a considerable addition of nominated unofficial Legislative Council members from 1903—not, however,

including, as High Commissioner Milner had hoped, any of the former Boer generals, who would not accept responsibility unless it was complete. A new scheme for a largely elected legislative assembly for each colony was evolved by the British Colonial Secretary in 1905; but with the landslide victory of the Liberals under Campbell-Bannerman in 1906, it was cast aside for the grant of fully representative and responsible parliamentary government (with a purely White electorate).

Despite the setbacks which federation or unification of the South African states had suffered, it had never lost all support. In recent years, when the hopes of a United Europe proved illusory, smaller and more immediately practical approaches like Benelux or the Coal and Steel Community or (with United States prodding) the Organization for European Economic Co-operation still manifested a desire for closer co-operation between neighboring states. In the same way, in South Africa, after the debacle of Carnarvon's plans, three questions in particular continued to be subjects for negotiations towards common action. These were customs tariffs, communications, and Native policy.

The South African railroad system had begun in the Cape in the 1850's on a basis of private companies backed by State guarantees of a 6 per cent return on capital. Early local clamor for rail-

road facilities for different parts of the colony was, under this regime, effectively silenced by making the Divisional Councils for each area through which a railroad passed jointly and severally responsible for 50 per cent of the guarantee. As a result, by 1873 there were only 64 miles of railroad, and animal transport to the recently opened Kimberley diamond fields, 650 miles from Cape Town across the dry Karroo, was taxing the capacity of the country to supply oxen or mules. Thus the diamond boom led to a sudden change to a policy of rapid construction of rail links with the diamond fields by government itself—so rapid that the construction of one section would be undertaken before even a preliminary survey had been made of the next, and annual reports on railroad construction might be able to say no more than that the line was “in fair direction for the Diamond Fields” or that it was nearing the Orange River, so that a final choice of the best place for bridging it must soon be made.

But this was not all. Political reasons enforced the construction of a state railroad link with the Diamond Fields. Indeed the fall of the Sprigg ministry in the Cape in 1881, which marked the failure of Carnarvon’s federation scheme, was precipitated by the defection of Rhodes and other representatives of the district, because they were dissatisfied with the progress being made in rail-

road construction. But there would have been loud complaints had all the advantages seemed likely to accrue to one part of the territory; so political considerations enforced the construction not of one but of three converging lines from each of the major seaports of the Colony. These lines, financed and run by the State, competed with one another for the Diamond Fields' trade on a basis of "charging what the traffic will bear." To this rivalry and absence of a common rating system within the network of a single state were added further complications in later years. With the development of the Witwatersrand goldfields there emerged deadly rivalry for the trade of the Transvaal not only amongst the three Cape ports (Cape Town, Port Elizabeth and East London) but also between the Cape ports, Durban in Natal and Lourenço Marques in Portuguese East Africa, and their respective railroad systems.

No wonder that from 1889 to 1906 the history of interstate relations in South Africa was studded with negotiations, compromises, partial agreements, and disagreements on railway rates and customs tariffs, or that Union, when it did come, was largely intended to find a once-and-for-all political solution to these recurrent problems. It must also be admitted that in the political field the unification of the railway systems in the South Africa Act, which brought about Union, has succeeded in

its purpose, though in the economic field there may be differences of opinion as to how well the prescription of Section 127 has worked, namely, that they "are to be administered on business principles."

The desirability of some common ground on policy with regard to the African tribesmen was also felt, since the Native policy of one state affected relations between Black and White in (or on the borders of) the other states. But common ground was not easy to achieve, not only because of different attitudes on the part of the different White populations, but also because of different stages of civilization reached by the non-White peoples, whose contacts with European civilization had been longer and more intimate in the Old Cape (i.e., excluding the more recently annexed Transkei territories) than in the newer republics and Natal.

These differences, from the constitutional point of view, were most significant in relation to the franchise—color blind at the Cape and open to all literates with a low occupation-of-property or earnings qualification; effectively barred against all but Whites in Natal; specifically confined to Whites in the Transvaal and Orange Free State republics. One of the clauses of the peace treaty that ended the war of 1902, setting out the terms on which the two republics accepted annexation as

British colonies, was that no Native franchise was to be forced upon them before self-government was conceded; i.e., representative government exercised by Whites alone would have to be the first step and only if the White electorate were willing to extend the franchise to non-Whites would they have to share it with them.

One of Milner's attempts to prepare the way for a unification of South Africa was the appointment of the (Lagden) Inter-colonial Native Affairs Commission, 1903-5. This reported on segregationist lines: to prevent the wasteful use of land by Native squatters, this practice should be controlled. Purchase of land to be held by Natives on individual tenure should be encouraged, but the areas within which they could acquire land ought to be restricted, so that Whites should be confined to White areas and Blacks to Black areas. The exclusion of Africans from the franchise on a common roll and the extension of the franchise for Africans on a communal basis were recommended in the sphere of government.

These recommendations were not generally acceptable, and when a National Convention of representatives of all four Parliaments met in 1908-9 to achieve the long-desired Union, this was one of the points on which divergence was extreme. In fact the four matters which proved to be most contentious, in which wide disagreement existed

not only amongst the members of the National Convention but amongst the people at large were, in the order in which I shall briefly touch on them:

First, whether the constitution should be Unitary or Federal.

Second, the provision of safeguards guaranteeing equality of rights for the Dutch and English languages.

Third, the location of the future capital.

Fourth, the question of the franchise.

The discussions of the National Convention were held behind closed doors and were not reported. In 1912, however, one of the delegates, Sir Edgar Walton, published his account of the *Inner History of the National Convention* from his own private notes, while in 1951 an illuminating contemporary diary kept by F. S. Malan was published posthumously. F. S. Malan was the chief representative of the *Afrikaner Bond* amongst the Cape delegation. These two sources do not conflict in important particulars, and their essential veracity has never been impugned by any of the other participants in the discussions.

It is quite clear that the members of the Transvaal delegation (which comprised both Afrikaners and men of English origin) were able to mold the recommendations of the Convention largely to accord with their own wishes, though on certain

crucial points they found it wiser to come to a compromise. It is also clear what were the sanctions they could so effectively employ. Through its control of the final sections of all the State-owned railroads which served the Witwatersrand gold district, and through manipulations of its own customs tariffs, the Transvaal could have beggared (at choice) not merely the railroad administrations of either the Cape or Natal but, by concentrating the traffic through Lourenço Marques in Portuguese East Africa, it could have beggared them both, should the National Convention have broken down. And by doing so, it could have bankrupted the Governments of those colonies and probably have ended the political careers of any who might have been blamed for the Convention failing to reach agreement.

Upon the question of Union or Federation it is noteworthy that public opinion in Natal was strongly in favor of Federation, and the Natal delegates pressed this point of view. But they did not hold out. A referendum was subsequently held there, *after* the Convention had decided in favor of Union, and a majority of voters voted for accepting this, since it was to be Union or nothing. Ex-President Steyn, the leader of the Orange Free State delegation, almost to the eve of the Convention's opening, clearly accepted Union as a poor substitute for Federation. The general feel-

ing among members of the *Afrikaner Bond* at the Cape, which was the strongest political force there, under its veteran leader, the elder J. H. Hofmeyr, also favored Federation. However, an influential group within the *Bond*, led by F. S. Malan, had been converted to a preference for unification, and Malan, not Hofmeyr, attended the National Convention. Only in the Transvaal was Federalist feeling absent. The more centralized solution of Union was the one chosen.

A parliamentary system on the United Kingdom pattern was adopted. An elected lower house (House of Assembly) of 121 members and a Senate of 40 members made up the Legislature. A concession was made to federalist sentiment by the creation of an elected Provincial Council for each former colony, enjoying limited powers of taxation, and (subject to Parliament's right to enlarge its own sphere of competence at provincial expense) jurisdiction in a number of fields, of which the most important were education (other than university and higher technical education), roads, and hospital services.

The composition of the Senate was also intended to ensure adequate representation of provincial interests. While provincial representation in the House of Assembly was based on comparative populations, and its 121 members were to increase to a maximum of 150 as population grew, the

Senate was to remain at 40 members, 8 of whom were to be nominated by the Union Government, and 8 elected for each province, regardless of the size of its population, by an electoral college consisting of the members of the House of Assembly representing constituencies within the province, together with the members of the Provincial Council. Parliament was not to alter the composition of the Senate before ten years had elapsed.

On language safeguards, the cleavage was not, on the whole, between one colony and another, but, in each colony, between those who feared, those who did not fear, and those who welcomed the possibility of one language becoming subordinated to the other or being driven out by the other. No great difficulty was eventually found in guaranteeing both Dutch and English equal status as official languages of the Union, though difficulties have often arisen subsequently as to what is implied in this equality of treatment.

The question of the site of the future capital was not merely a question of local jealousies. It was important because of the marked regional differences in economic interests, political traditions, cultural backgrounds, and so forth, which characterized (and, though now less markedly, still characterize) South Africa's citizens. It was felt that the character of government would take some of its traits from the seat of government.

Thus, as the men of the Transvaal were convinced that the Transvaal way of life was superior and the men of the Cape knew that the ways of the older long-settled South were best, they could all well feel that the whole future of the Union was at stake in the choice of a capital.

Yet the argument in the Convention had a sort of unreality about it. The agenda proved to be such that the actual site of the future capital was raised only near the end of the Convention's deliberations. By this time the inter-colonial fight over it was hamstrung by many pointed reminders from those to whom it was a less vital matter of concern that, if the contestants felt so strongly about the issue, they had failed in their duty by not raising this stumbling-block at the outset. It would be unthinkable, the onlookers said, to waste so completely the time already spent, by allowing the Convention to sit so long, and then, right at the end, wrecking it. And so the expensive, yet in some ways healthy, compromise of a dual capital was reached, with Pretoria, in the Transvaal, as the seat of Government and Cape Town as the seat of Parliament—although it is threatened again at present by the dominant Transvaal political element which pays scant respect to the compromises reached at Union.

Franchise questions centered round the point of departure that existing voting qualifications varied

greatly from colony to colony. As already noted, since it had first acquired a Parliament in 1854, the Cape had maintained a color-blind franchise, and the vote was open to all literates with a low occupiers' property or earnings qualification. Natal had property or earnings qualifications for the vote, but, in addition, since 1896 had effectively barred it against all but Whites. In the Transvaal and Orange River Colony, there was White adult male suffrage without further qualification. The vote in these two colonies was specifically confined to Whites and the peace treaty of 1902 had guaranteed that no Native franchise was to be forced upon them before self-government—exercised by the White electorate—had been conceded.

A look at the attempt to fashion out of these divergent systems a uniform franchise to apply to the whole Union reveals a number of points on which disagreement was acute. During the first three sessions of the National Convention (October-November 1908 at Durban; November-December 1908 and January-February 1909 at Cape Town) it had been assumed almost without discussion that proportional representation would be introduced into elections for the House of Assembly. But there proved to be a good deal of popular opposition to a more complicated and little understood system, and to the larger areas which three-member constituencies would involve

in the country districts; Mr. Merriman in particular regarded it as a fad emanating from cranks. And in the end, in the last session, held in Bloemfontein in May 1909, it was suddenly tossed aside, just as it had been somewhat casually accepted in the beginning.

There was considerable debate on the question of "one vote, one value" or a "weighted" vote. Eventually a system for the delimitation of constituencies was adopted, in which an average "quota" of voters per constituency was worked out, by dividing the total number of qualified voters by the number of seats in the Legislative Assembly; but urban constituencies might contain up to 15 per cent of voters above the quota and thinly populated rural constituencies might contain up to 15 per cent fewer voters than the quota; and it is now traditional for this "loading" to take to take place to the fullest extent. But the biggest bone of contention was not the size of the constituencies; it was the non-White franchise.

One of the Cape delegates, Colonel (later Sir Walter) Stanford, knew the Natives of the Eastern Cape both as foemen and as very recent citizens. He had fought in many frontier campaigns against Native tribes and had served as Chief Magistrate in the Transkeian Native territories. However, he pressed strongly for the extension of the Cape's franchise, free of bars of color, to the whole of

the prospective Union. But it was obvious that this was a forlorn hope; the question at stake was not the extension of the Cape's non-White franchise, but how it could be safeguarded in the Cape itself in view of the unanimous desire of the delegates of the three other colonies that it should be brought to an end.

A compromise was finally reached that existing qualifications for voting in each colony should remain, even though this meant the absence of a uniform franchise for the Union parliament. It was further agreed to "entrench" the non-European franchise at the Cape by a provision that it might not be altered save by a two-thirds majority of both the House of Assembly and Senate, sitting jointly.

It is a mistake to regard the controversy over the non-European vote as one between Englishmen and Afrikaners. On the contrary, the English representatives of Natal at the National Convention were the most vehement in support of the suppression of the non-European vote and were dissatisfied with the compromise reached. It was the *Afrikaner Bond* representatives (J. W. Sauer and, particularly, F. S. Malan) who put up the strongest fight for retaining the existing Cape franchise, which, according to them, experience had proved to be best. The *Afrikaner Bond*, at its congress in March 1909, condemned the pro-

posed entrenchment of the Cape non-European franchise as inadequate. A *Bond* amendment in the Cape Parliament nearly succeeded in making the Cape's ratification of the draft Act of Union conditional upon the insertion of an additional safeguard for the Cape non-European vote, that not only must two-thirds of both Houses of the Union Parliament agree to alteration but also a majority of the Cape representatives in the Parliament must do so. It might well have passed, but for the votes of those who followed another *Bondsman*, J. W. Sauer, who held that by agreeing to the compromise reached in the Convention, a Union could be achieved in which "we may lay the foundation and beginning of a more liberal policy all over South Africa."

Of course, many of those who voted for the amendment were English-speaking. On the other hand it was Mr. John X. Merriman, a veteran "Cape Liberal," but also Prime Minister of a colony with an almost empty exchequer, who proposed the compromise in the Convention—not only for that reason, but because he had a genuine interest in Union, and would not boggle at the price. Yet it was an Afrikaner, a member of Mr. Hofmeyr's *Bond*, who at the time wrote of it as a betrayal, since it was a foregone conclusion that the necessary two-thirds majority of a Union parliament would be found.

Despite this opinion it took over a quarter of a century before a two-thirds majority was, in fact, found for altering the Cape non-European franchise. As early as 1913 the first steps were taken towards demarcating separate areas of White and Black land-ownership by the Natives' Land Act; although, until the Native Service Contract Act of 1932, there was little effective check on the leasing for Native occupation of land outside the Scheduled Native Areas—the so-called “Kaffir-farming,” where the farmer “does not farm the land, he just farms Kaffirs.” But it was not until 1936, under the Hertzog-Smuts coalition, that General Hertzog achieved his ambition of “removing the Native Question from party politics” with a two-thirds majority in a joint session. Even then, the removal of the Native voters of the Cape from the common roll was offset by the provision of three extra seats in the House of Assembly and two in the Cape Provincial Council to be filled by Whites elected by Cape Native voters, and by the election (in a somewhat roundabout way) of four additional senators by the Natives of all parts of the Union. Moreover a Native Representative Council (of African, not European members) was set up as an advisory body, whose views would be sought by Government on all measures or prospective legislation affecting Natives. In addition a Native Trust was

created, particularly for the purpose of acquiring additional land in areas scheduled or released for Native occupation in terms of the Natives Land Act of 1913.

The Representation of Natives Act of 1936 did not in any way restrict the franchise of the Cape Colored (or mixed) people in that Province, and the Prime Minister, General Hertzog, gave assurance that there was no intention to do so. The Act was passed by a two-thirds majority at a joint sitting in accordance with the special provisions laid down in the Act of Union (the South Africa Act) where one of the "entrenched clauses" was to be amended or repealed. Yet in 1931 a development had taken place which had raised doubts as to whether these provisions were legally binding, or only "morally binding."

After the South African National Convention had ended its labors in 1909, agreement had been reached as to the form which Union should take. But this was not Union between four independent states. The parties were self-governing colonies, but nevertheless colonies of the United Kingdom, and effect was given to the compact reached in South Africa by embodying it in an act of the United Kingdom Parliament, the South Africa Act. Hence, at any time the United Kingdom Parliament, if it had thought fit, would have had constitutional power to repeal or amend that act.

By 1931 the relations between the United Kingdom and self-governing dominions had reached the stage when such formal subordination of the constitutional powers of the Dominions to the British Parliament was embarrassing. As a result of intercommonwealth consultations, the Statute of Westminster was passed in that year by the Parliament of the United Kingdom, renouncing any claims that its legislative power extended to any of the Dominions, while the South African Parliament in 1934 passed the complementary Status Act, declaratory of its unfettered sovereignty.

During the passage of the Status Act through the Union Parliament, doubts were expressed by the Dominion party opposition as to whether the two acts would not have the effect of destroying the entrenched clauses of the South Africa Act. In reply it was claimed that the entrenchment still held good, while from both United party and Nationalist party benches it was proclaimed that in any case this was a matter of honor for South Africa, so that the question was a purely academic one.

Nevertheless, in 1937 a case came before the Supreme Court which had unexpected repercussions. A Cape advocate, a staunch upholder of the rights of Africans and the Cape Colored community, argued a test case in which he was willing to

try any legal technicality to upset the removal of Cape Native voters from the common roll. Amongst other arguments he employed was one that the Government had employed unnecessarily the procedure of joint sittings of the Senate and Assembly—whereas, apart from the special case of the repeal of one of the entrenched clauses, this procedure was laid down only in case of conflict between Assembly and Senate. Therefore, argued Mr. Douglas Buchanan, the use of joint sittings of the two Houses where it would have been competent—and therefore obligatory—for the legislation to have been passed by the two houses sitting separately, must make the legislation invalid.

The Chief Justice found little difficulty in dissenting from this not very common-sense view. He perhaps found the argument a little irritating, and in the course of his judgment in this case of *Ndlwana vs. Hofmeyr* (the respondent being the Minister of the Interior, then the Hon. J. H. Hofmeyr) he delivered himself of the *obiter dictum* that the Union Parliament had now, as a sovereign law-making body, the power to legislate in any way it thought fit, and it was no function of the courts to enquire as to what procedure had been followed in passing an act duly certified by the Governor-General.

For a long time this judgment appeared unlikely to create any political issues, for no further issues affecting the entrenched clauses seemed imminent. Many who had viewed General Hertzog's 1936 legislation with some alarm felt reassured as a result of the outstanding quality of the first members and senators elected to represent the Native people in Parliament. The Cape Colored vote was not an issue. The Indian vote in Natal was confined to the survivors of those who already had the vote long before Union—a diminishing number, only eight at the time the judgment was passed—and it seemed unlikely that any change, either way, would be contemplated.

Yet it was in Natal that the cloud, at first no bigger than a man's hand, appeared. In South Africa, as in other countries, the Second World War brought far-reaching economic and social changes, including significant internal movements of people. In Durban, particularly, this led to an outcry against Indian "penetration" of White residential and business areas; and the complainants cared little that their anti-Indian campaign was seriously embarrassing General Smuts or the common war effort.

General Smuts was often taunted with having "no Native policy" or no Indian or Colored policy. This is not true; by the time when, for the second time, he became Prime Minister in 1939, he had

a policy of interfering as little as possible legislatively with interracial matters, trusting to good sense and increasing good will, born of being forced to rub along together, eventually bringing a solution of matters so little amenable to statutory regulation. In 1943 he talked of Native segregation's being dead—wartime urbanization and more varied job opportunities were pointing the way to a different and natural solution of surviving interracial incompatibilities. But about the same time the sudden sharp political storm in Natal forced him to intervene to “peg” the existing racial pattern of property occupancy there as a temporary measure, while a permanent agreed solution was found.

Discussion to that end failed to reach agreement, and in 1946 General Smuts once more had to act in haste. The result was the Asiatic Land Tenure and Representation Act, which placed permanent restrictions on property transfers between members of the European and Asian racial groups; but, as a first *quid pro quo*, it also went as far as the Government dared at the time to grant to the Indians a share in parliamentary representation. Like the Natives since 1936, they were to vote communally for European representatives, though they were to be given rather more generous representation in proportion to their numbers, namely three members in the House of Assembly and one

Senator. They were also allowed two members of the Natal Provincial Council, who might be Asians.

This act was passed by a simple majority in the two Houses sitting separately—indeed, despite the numerical strength of the United party in Parliament at the time, it is doubtful whether General Smuts could have got a two-thirds majority at a joint sitting in view of the dislike of his compromise amongst his own parliamentary supporters in Natal. A joint sitting was in any case unnecessary for an extension of the franchise or even for a curtailment outside the Cape; and the extension of the vote in 1930 to White (but not to other) women had been passed in separate sittings, as had the removal of property qualifications from White men in the Cape and Natal in 1931. But, no doubt because it seemed unnecessary to clutter up the bill with a special reservation of his existing rights for, I believe, only one old Indian, there was a formal transfer from the general to the special Indian roll of any last survivors of the Indians who had acquired a vote in the nineteenth century, and the legalistic mind could no doubt quote this act as evidence that General Smuts and the United party regarded the removal of existing rights through legislation passed in the ordinary way in separate sittings as an unobjectionable procedure.

The scheme for limited Indian representation never became effective. The Indian community was not satisfied and refused to co-operate in holding elections, which afforded the Nationalist majority in 1948 an easy excuse for repealing these provisions of the act in the first session of the new Parliament.

It seems likely that the depth of segregationist feeling revealed by the anti-Indian flare-up in Natal had been gleefully observed by the Nationalist party tacticians, who were thus encouraged to try to harness these powerful forces by the new catch-word of *apartheid*, which brought them a narrow parliamentary majority in 1948, a majority which has since been skilfully consolidated. Now included in the measures to be brought forward for enforcing *apartheid* was the removal of the Colored voters of the Cape from the common roll—in which calculations of the number of constituencies in which the Colored vote swung the election away from the Nationalist candidate played their part.

In 1951, therefore, the separate Representation of Voters Bill was introduced, and passed by the two houses sitting separately by a simple majority. It provided for the removal of the Colored voters of the Cape (then some 47,000 in a total electorate of 1.5 million) to a separate roll, through which they might elect four European members of the

House of Assembly and two members of the Provincial Council, who might be either White or Colored.

The validity of the act was challenged in the courts. In the Cape Provincial Division of the Supreme Court, a decision was given favorable to the Government. But the Court made it clear that this was only because, whether it agreed or not, it was bound to accept the Appeal Court's 1937 decision, that Parliament, being sovereign, could make laws in any way it thought fit. The case, which is reported as *Harris, and others vs. the Minister of the Interior and another*, was then taken on appeal, and the appeal was allowed by a unanimous decision of a full bench of five judges, which had the result of rendering the act invalid.

The argument of the Counsel for the Government (Mr. A. B. Beyers, now Mr. Justice Beyers) had a major theme and two minor themes. The first minor theme was that the Cape Colored voters were being deprived of no rights. They would still have the right to vote and, indeed, in a more effective manner than before. The second minor theme was that there must be certainty in the interpretation of the law, hence the Court was bound to accept the interpretation given in *Ndlwana vs. Hofmeyr* in 1937. The major theme was that, since the Imperial Conference of 1926 and the Statute of Westminster and the Status Act, the

Union's Parliament was fully sovereign. The sovereignty of Parliament, as United Kingdom constitutional law and practice made plain, involved the right to come to decisions as it pleased. No previous decision of Parliament could bind Parliament for the future and no testing right existed by which the Court could pronounce on the validity of an act of Parliament.

On this he had to answer the question whether, in that case, the South Africa Act still had any validity as the basis of Union, or whether the Union of South Africa now had a purely unwritten constitution. His argument on this point was that the South Africa Act had become incorporated in South Africa's common law constitution when sovereignty had been achieved.

The Government's counsel argued along these lines with considerable support from English authorities, steeped in the common law tradition. Nevertheless, I regarded his argument as completely unconvincing. Especially from the historical point of view did an argument based on analogical reasoning from English constitutional law appear inadequate.

It seemed to me that in his argument on the essential attributes of sovereignty, counsel for the Government had neglected a vital distinction between those which had gradually been evolved through centuries, as in Britain, and those which

had arisen through specific legislation, as in South Africa, where the stages could be traced in the South Africa Act, the Statute of Westminster, the Status Act, and so forth. I was aware of no wording in any of this legislation which stated that the Union Parliament must be sovereign in the particular sense put forward by Government counsel. If the argument was that the South Africa Act had become part of a common law Union constitution, it must have done so as a whole, so that the provision that, in some circumstances, the sovereignty of Parliament could be exercised only in a particular way, must have become part of the common law constitution. Therefore this argument appeared untenable. If, in fact, the Union Parliament first became sovereign through the steps and stages described by Government counsel, it must have become sovereign in the existing South African constitutional tradition and not, by implication, in the unwritten British tradition.

Although this appeared so clear to me, I did not like to risk an obvious point being missed in the heat of the argument. So, immodestly working on the assumption that two heads are better than one (rather than on the assumption that too many cooks spoil the broth) I sent a telegram setting out these views to a colleague who was helping to prepare the case to be argued for the appellants. And, though my intervention was unnecessary as an in-

tellectual enterprise, I believe the moral support was appreciated.

In the upshot, the Appeal Court rejected the argument that there was no deprivation of rights. It gave reasons for not being bound to follow the Court's decision in 1937 as representing a complete statement of the law. That case was decided on other grounds, and not only was the particular issue unnecessary to the decision of the case, but it was not seriously argued, nor was the judgment itself free of ambiguity. As regards the major issue, the court denied neither the sovereignty of Parliament nor the inability of the courts to pronounce upon the validity of acts of Parliament. But it did not accept the argument that the institutions of South African parliamentary government had, by implication, been assimilated to those of the United Kingdom Parliament, rendering the special provisions of the South Africa Act ineffective. Thus, without arrogating to itself the right to pronounce on the validity of acts of Parliament, the Court had the duty to pronounce that the removal of the Colored voters of the Cape Province from the common roll was invalid, because it was not an act of Parliament, since the Separate Representation of Voters Bill had not been passed by Parliament so constituted as, according to the Constitution, was necessary for the particular purpose.

In my own view, there can be no doubt of the soundness of this decision, at any rate from the point of view of the substantial realities of political science, whatever doubts might exist in respect of the niceties of constitutional law. Indeed, from the start of the controversy I had held that a revision of the 1937 judgment was essential in order to *restore* the sovereignty of Parliament from encroachment by a judicial decision. The intention of the parliaments of both the Union of South Africa and the United Kingdom had been plain; and the various pieces of legislation enacted to give formal effect to the Union's unfettered sovereignty had been passed on the assumption that the constitutional safeguards of the South Africa Act remained in force. The South African Parliament had taken no decision to remove them, and if it had removed them, must have done so without intending to. The alleged method of removal was by way of an Appeal Court decision which implied that the two parliaments had removed them inadvertently. If, then, there has at any time been a change in the law brought about by judicial interpretation, this change was not introduced by the decision in 1952 in the case of *Harris vs. Minister of the Interior*. It had surely been done via a judge's obiter dicta in the decision of 1937 in *Ndlwana vs. Hofmeyr*. The constitutional position which did not go beyond what Parliament itself

had decided was restored only as a result of the careful revision of the Court's earlier judgment in 1952. However thwarted a Parliamentary majority which did not command the necessary two-thirds of the votes in both houses might feel, the fact remains that it was this decision, the effect of which was to prevent an insufficient majority taking advantage of what was essentially a piece of judicial law-making, in order to reinterpret the law differently from Parliament's own interpretation of it, that in reality reaffirmed Parliamentary sovereignty.

The present South African Government does not accept rebuffs with good grace. Its first reaction to the Appeal Court's decision was to introduce a High Court of Parliament Bill. This was duly passed in the ordinary manner (i. e., by a majority of less than two-thirds of each house, sitting separately) in the 1952 session of Parliament. It set up a new constitutional court, consisting of all members of the two houses, sitting together, which by a simple majority vote was empowered to confirm, vary, or set aside the Appeal Court's decision. The High Court of Parliament duly sat up in Pretoria (though all opposition members and senators boycotted its proceedings), and by unanimous vote it accepted a motion of the Minister of the Interior reversing the Appeal Court's decision. The legality of these proceedings was

in turn contested in the Cape Provincial Division of the Supreme Court. They were declared invalid, and this decision was confirmed on appeal by the Government.

It is perhaps ironical that had the legality of the Separate Representation of Voter's Act gone on appeal from the South African Appeal Court to the British Privy Council, that body, more familiar with the conception of Parliamentary sovereignty inherent in the United Kingdom's unwritten constitution, might have given more weight to the contention that a Parliament, to be sovereign, must be bound by no rules save those it cared to adopt. But appeals to the Privy Council (virtually in disuse) had quite recently been abolished by Act 16 of 1950, at the instance of the present Minister of Justice.

The Government's next step was to attempt to secure a two-thirds majority for a revision of the South Africa Act, so as to do away with entrenchments. Although there was a break-away of four United party members of Parliament, who wished to substitute compromise with the Government for unyielding opposition, this defection was not enough and the Government still failed to secure a two-thirds majority. Then the Appellate Division Bill was introduced, providing for a new Court of Appeal which should have exclusive jurisdiction in constitutional questions. This was

dropped, however, in favor of a renewed effort to get sufficient support amongst opposition members to gain a two-thirds majority for the validation of the invalid Separate Representation of Voters Act. This was referred to a Joint Select Committee of House and Senate (with eleven Government and seven Opposition members) which reported back to the next session of Parliament (1954).

If it had been hoped, with compromises on both sides, to reach agreement in the Select Committee, there was no sign of this occurring. Immediately the last piece of oral evidence had been heard, instead of the usual motion of adjournment to consider the evidence, this was rejected by eleven votes of the Government supporters against seven Opposition votes, in favor of the immediate acceptance of the principle of separate representation. From then on, proceedings degenerated into what appears to have been a rather sordid maneuver to confine the proceedings to consideration of a brief report to which was annexed a ready-prepared draft bill for revalidating the invalid act, to prevent discussion of the evidence on its merits and, in particular, to make use of Parliamentary standing orders and procedures to prevent Mr. Harry Lawrence's getting on the record of the Committee's proceedings—even by moving it as an amendment—a minority report which he had prepared. So the Opposition members were maneuvered in-

to a position in which, after several unsuccessful appeals to the Speaker of the House of Assembly against the rulings of the Chairman of the Committee, they left no more positive record of their endeavors than a block of seven minority votes upon every division.

Some concessions were made in the majority report of the committee, for example rather more favorable terms were proposed for the constitution of an advisory Union Council for Colored Affairs—though these have been modified again, less generously, in the latest legislation. One or two further concessions were also made in the later stages through which the bill was taken after the Select Committee had reported; but it emerged from the third reading with only 129 votes in favor, whereas 138 votes were necessary to secure a two-thirds majority of the two houses.

The next stage of the attempt to achieve the Government's aims was the appointment of five additional appeal court judges in March 1955, bringing the total number of such judges up to eleven. This was done administratively, and perfectly legally, for the law says only that the Court shall consist of the Chief Justice and as many other judges as are required. Then the Appellate Division Quorum Act was hurriedly rushed through. The relevant provisions of this are that where the validity of any act or purported act of Parliament

is concerned, it will take all eleven judges of the enlarged Court to form a quorum, and a valid decision must be a decision of at least six judges.

The day after this act became law, the Senate Bill was introduced. The four senators elected by Africans were left unaffected (as, indeed, they had to be unless the new act was certain to be invalidated, in turn, upon the same grounds, since the right of the Natives to elect these four senators had been passed in 1936 by a two-thirds majority as an amendment of an entrenched clause, and was, therefore, itself entrenched). Quite recently, however, in June, 1956, the Minister for Native Affairs revived a project which had been for some time in abeyance, when he declared that in due course the representation of Africans in Parliament must disappear, since other and more satisfactory ways of associating the Bantu with the Government of the country have been devised. He has, in effect, given notice that a further instalment of electoral *apartheid* will be introduced before long.

But the main feature of the Senate Bill was that it marked the abandonment of a direct attempt to deprive the Colored voters of the Cape of access to the common voters' roll in favor of the creation of conditions in which a two-thirds majority in favor of their removal could be assured. Instead of each province's remaining on an equality

in its representation in the Senate, with eight members apiece, the new bill destroyed this concession to provincial sentiment made at the time of Union. It provided for an increased number of elected senators, but they were to be apportioned between the different provinces in the same way as the distribution of seats in the House of Assembly is determined, according to the distribution amongst the provinces of the White voters. Thus, in the new Senate, there are twenty-seven elected members from the Transvaal and twenty-two elected members from the Cape, but only eight each from Natal and the Orange Free State.

Moreover, the system of proportional representation was abolished within the electoral colleges. Thus, the party with a majority in each provincial electoral college (which consists of the representatives of each constituency within that province both in the House of Assembly and in the Provincial Council) selects all the Senators for that province. The Senate no longer reflects the balance of voting strength in each Province. There are now no Senators for the Cape, the Orange Free State, or the Transvaal who are not Nationalists, while Natal's whole representation in the Senate belongs to the United party.

The number of Senators nominated by Government was doubled, from 8 to 16. The result is that, whereas in the old Senate there were 30

Government supporters (including 2 elected and 2 nominated Senators for South West Africa, who were first added in 1950) out of a Senate of 48 members, in the new Senate there are 77 Government supporters out of 89. This means that, at present, the Government can count on at least a majority of 171 votes to 77 votes in a full attendance at a joint sitting of both Houses, and this is comfortably in excess of a two-thirds majority.

Once the Senate had been recast, the Government designed to make use of the enlarged and radically altered Senate to bring to a successful conclusion a measure which had been agitating the country for over five years by reintroducing its bill to validate the abortive Act of 1951 to remove the Cape Colored voters from the common roll. The measure was now one in which considerations of prestige and refusal to be thwarted had become the major driving forces, since the fear of losing control of the machinery of government through the influence of the Colored vote in some eight or nine Cape electoral divisions (a very real fear after the unexpected and narrow electoral victory in 1948) is no longer serious.

In due course, in February 1956, there was a joint sitting at which the removal of the Cape Colored voters from the common roll was revalidated, and the removal of all entrenchments save those on equal language rights was passed by

174 votes against 68. The new Cape Colored franchise was finally determined, in May 1956, by the two Houses sitting separately. It conceded the right to elect, through four separate constituencies, four members of the House of Assembly and also two Provincial Councillors; but it now confined these rights, in the Provincial Council as well as in Parliament, to the election of White representatives.

Immediately after the Joint Sitting two Colored voters contested the Senate Act, claiming that it was a fraudulent attempt to defeat the entrenched clauses of the constitution by subterfuge, and basing their plea essentially upon the same grounds as had been successful in the second case of the series. But the new maneuver is more cunning than the old in so far as it is not linked directly with the invalidated Separate Representation of Voters Bill. Indeed the very fact that, incidentally to what was undoubtedly the main aim, it has involved such sweeping changes as the refashioning of the whole basis of provincial representation in the Senate, makes it more difficult to substantiate the argument that it is so uniquely designed to overcome the lack of sufficient votes to bring about a legal change in an entrenched clause of the South Africa Act as to be itself *ipso facto* invalid. Suppose the new Senate had functioned for ten or twenty years without returning to the question of voting rights

at the Cape, and had then participated in a joint sitting in which the Cape Colored voters were removed from the common roll by a two-thirds majority. Could the validity of the changes then, after such an interval, have been successfully challenged? If not, how could they be challenged if it proceeded with such legislation straight away? The appellants were on more difficult ground than before.

The Cape Provincial Division of the Supreme Court shrank from admitting the far-reaching consequences that might seem to flow from admitting the applicants' arguments, which it rejected in a unanimous judgment delivered on May 18, 1956. If, in order to make the guarantees of the Cape franchise effective, the entrenchment of the Section 152 of the South Africa Act was meant to imply a limitation of Parliament's power to vary the composition of the Senate under Section 25, the Court held that such an intention would have been expressly stated in the act.

The case then went on appeal. Although the validity of the newly enlarged Senate went for final decision to a newly enlarged Appeal Court, that did not mean that the judgment was a foregone conclusion. Even where political motives for appointment to the Bench have been apparent, the independence of the South African judiciary is well established. The appeal was, however, dis-

missed by a majority judgment of ten against one. The same Chief Justice who had delivered judgment against the Government in the High Court of Parliament case delivered judgment in favor of the Government in the Senate case.

His judgment, while favorable to the Government on the legal issues, cannot be regarded as complimentary upon the moral ones. The Government, he suggested, had hardly attempted to deny that the sole reason for reconstructing the Senate was to render nugatory the safeguards of the entrenched clauses. But if parliament sitting bicamerally had plenary power to reconstitute the Senate, its real purpose was irrelevant. Because the enlargement of the Senate in no way purported to affect the appellants' rights it could not be said to render them nugatory. Even had the Senate been reconstituted by limiting it to supporters of the Government whose names were set forth in the act itself, this would not in itself be *ultra vires*. It still required a further legislative step to destroy the appellants' rights, namely the passage of an act in conformity with the proviso in Section 151 of the South Africa Act. This had been done in joint session with the aid of the newly created two-thirds majority, and the distinction between entrenched rights and unentrenched rights goes no further than that requirement.

If this means that the legal safeguards of the South Africa Act have proved inadequate, he suggested that the framers of the Constitution might have foreseen the possibility though doubting the probability of circumvention. But they might have felt that "the supreme legislative power in relation to any subject matter is always capable of abuse, but it is not to be presumed that it will be improperly used. If it is, the only remedy is an appeal to those by whom the legislature is elected."

Mr. Justice Schreiner gave an equally closely argued dissenting judgment. He insisted that where pieces of legislation in apparently separate fields form successive steps in a legislative plan, with the ultimate effect of merging to accomplish an unlawful result, then in substance the separate fields become one. The complementary pieces of legislation must therefore be invalid because the combined purpose is invalid. "In general," he argued, "the parts of a whole take their character from the whole. A scheme to defraud is an obvious example; another is a scheme to get round a legislative obstacle."

Mr. Schreiner received no support for his judgment. Thus, at great cost, the Government has had its way with the Colored vote—and, incidentally, has rendered it more difficult for an opposition party successful at the polls to obtain

control of the Senate as well. It must be recognized that what has occurred in South Africa is virtually a revolution, which the Government itself, for reasons of policy, has conducted against the South Africa Act, which was the basis of Union. In the end, after a series of mishaps, this revolution has been carried through without apparent illegality, yet, despite that, it amounts essentially to a revolution.

In any case, the Constitution laid down in the South Africa Act must have been shattered. For had the Supreme Court decided against the Government, the old Senate would have elapsed and the new one would have been illegally constituted.

GLOSSARY

AFRICAN. A term preferred by many as an alternative to Native (*q.v.*), which they regard as implying inferiority. On the other hand, many Afrikaners (*q.v.*) object to this use of African, and show an increasing tendency to use instead the word Bantu (*q.v.*), even where it is clearly inappropriate—e.g., “a Bantu” (which is a plural form) for an individual. In these lectures no attempt has been made to use any one term exclusively: indeed, the term Native African has often been preferred as the least confusing of all.

AFRIKANER. A white South African-born person whose home language is Afrikaans, a language which developed in South Africa largely out of Dutch (Netherlands). The spelling “Afrikander,” as used in *Webster's New International Dictionary*, or “Africander,” as used in the *Oxford English Dictionary*, would never be employed in South Africa save to denote the red, hump-backed indigenous breed of cattle. To use these forms in South Africa today is to commit the same sort of solecism as to spell “veld” as “veldt.”

AFRIKANER BOND. Started at Paarl, Cape Colony, by the Rev. S. J. du Toit in 1879 as an organization of Afrikaner nationalism transcending colonial boundaries, it became, after 1883 under the leadership of J. H. Hofmeyr (*q.v.*), a powerful extraparliamentary party organization, which also controlled a parliamentary block large enough to share in the administration of several Cape ministries without itself becoming a definite parliamentary party, though what emerged as the South African party derived its driving force from the *Bond*. Until the Jameson Raid (*q.v.*), the *Bond* gave support to Rhodes; subsequently it gave limited and sometimes temporary support to Schreiner, Sprigg, and Merriman. Its leader, Hofmeyr, would not himself accept the premiership. The *Bond* was instrumental in restoring the use of the Dutch language in Parliamentary debate, public education, the law courts, and the public service.

APARTHEID. The "r" should be well sounded, the main stress placed on the second syllable and secondary stress on the final syllable, which is pronounced "hate." Its literal meaning is "separateness," the condition of being apart. It was virtually a new word-coinage for the political campaign of 1948. It does not appear in the 4th edition (1946) of the *Groot Woordeboek* of M. S. B. Kritzinger and others, nor in the *Tweetalige Woordeboek* of D. B. Bosman and I. W. van der Merwe (3rd edition, 1946), which until the completion of the official *Woordeboek van die Afrikaanse Taal* (ed. P. C. Schoonees and others), remain the most comprehensive dictionaries available for Afrikaans. *Apartheid* does in fact appear in the first volume, A-C, of this *Woordeboek*

(Government Printer, Pretoria, 1950), but the only authorities quoted consist of two sentences from political pronouncements by the present Minister and Secretary for Native Affairs. It would appear to have been borrowed, in *Regverdige Rasse-Apartheid*, by Cronjé, Nicol, and Groenewald (1947), from the late Professor R. F. A. Hoernlé's 1939 Phelps-Stokes Lectures on *South African Native Policy and the Liberal Spirit*, in which Hoernlé harked back (rather despondently) to that strand of liberal thought which in the last century had always regarded it as desirable to withdraw Blacks as far as possible from contacts with Whites, since these were looked upon as synonymous with colonial aggression against aborigines. Hoernlé drew a distinction between "segregation" and a morally justifiable "total separation" into genuinely separate societies, though he regarded it as impossible to carry through the latter. As a matter of semantics, *apartheid* seems to have been invented to express this "total separation" in Afrikaans, but it does not appear to convey a meaning radically different from *segregation* in most political discussion.

APPEAL COURT. The Appellate Division of the Supreme Court (*q.v.*) of the Union of South Africa.

BANTU. This term is, strictly, a linguistic one, applied to a large number of related languages and dialects of Central and Southern Africa. It is also applied more loosely to the peoples speaking Bantu languages. The "Natives" of South Africa, as distinct from the Hottentots (*q.v.*) and Bushmen (*q.v.*), all belong to the Southern Bantu, whose migrations into Southern Africa were in part contemporary with the spread of the Dutch settlement. It might be noted that

Bantu or *abantu* is a plural form, literally meaning "people," *umuntu* being the singular form.

BAROTSELAND. A territory in Northern Rhodesia, in the Upper Zambesi valley.

BLOOD RIVER. A great defeat was inflicted on the Zulus by the Voortrekkers (Dutch-speaking emigrants from the Cape Colony) by the banks of the Blood River, December 16, 1838.

BONDSMAN. A member of the *Afrikaner Bond* (*q.v.*); see also Hofmeyr, Jan Hendrik the elder.

BUSHMEN. A primitive hunting people, unused to agriculture or pastoral farming or the use of metals, fairly widespread (though never numerous) in Southern Africa at the time of the Dutch settlement. Now practically extinct as a pure breed.

CAPE COLORED PEOPLE. A people of racially mixed stock which came into being at the Cape chiefly through the mixing of slaves (imported in the 17th and 18th centuries partly from other parts of Africa and partly from Southern Asia) with aboriginal Hottentots (*q.v.*), and with different European strains. Hottentot features are commoner in the inland rural districts, Asian and European in the Cape Town area. As the *Commission of Inquiry regarding the Cape Coloured Population* put it in 1937, the Cape Colored mainly came into being within "the ever extending sphere of the white man"; hence the extension of *apartheid* (*q.v.*) to them represents essentially a new departure, not an attempted reversion to pre-existing conditions. Of the 1,103,000 returned as Colored in the 1951 census, 982,000 were resident in the Cape Province and 272,000 in the Cape Town metropolitan area.

CAPE TIMES. An English-language daily newspaper of some distinction published in Cape Town since 1876.

CARNARVON, EARL of. British Secretary of State for the Colonies, 1866-67, 1874-78.

CHAMBERLAIN, JOSEPH. British Secretary of State for the Colonies, June 1895–October 1903, i.e., for the period covering the Jameson Raid and the South African War of 1899-1902.

CISKEI. The Native Areas south and west of the Great Kei River (*q.v.*). The Reserves here are more scattered than in the Transkei, but the districts of Herschel, Glen Grey, Keiskammahoek, Middledrift, Victoria East, and Peddie are predominantly Native Areas, and there is a considerable Native population in other districts. Scheduled Native Areas (*q.v.*) in the Ciskei are about 2 million acres. Its Native population in 1951 was 318,000, or 68 to the square mile.

COMMANDO. A mounted expedition, frequently punitive, of local White farmers, who served under an elected leader, organized on a temporary basis for defense of border communities from Bushman or Bantu depredations. The commando system grew up in the 18th century. Ammunition was provided by Government, but services of commando members were unpaid.

COMPOUND. A term used for quarters in which Natives are housed under control, usually (though not always) single quarters for temporary migrant laborers set up either by employers or by the municipality near their place of work.

COUNCIL OF ADVICE. A body consisting of the Chief Justice, the Secretary to Government, and the

military officer next in rank to the Governor, and three other nominated members, established in the Cape Colony in 1825. This council could only discuss questions put before it by the Governor, and, though the Governor had to submit all ordinances, public orders, and proclamations for consideration, he was not bound to accept its advice.

CROWN LANDS. Public Domain, regarded as the property of the Crown until alienated to individuals.

DINGAAN. Zulu chief, half-brother to Tschaka (*q.v.*), whom he had murdered in 1828, whereupon he succeeded to the chieftainship. Killed in his turn in 1840.

DINGISWAYO. Chief of the Mthethwa, who initiated the system of army training subsequently perfected by Tschaka (*q.v.*).

DIVISIONAL COUNCIL. An organ of local government, established in the Cape in 1855, but not existing in the other provinces. The Cape Province is divided into ninety-five districts, or divisions, each with its own council dealing chiefly with roads and public health matters, financed from taxes levied on fixed property.

DOMINION PARTY. A group, mainly from Natal, of former members of Smuts's South African party, who broke away from the United party formed in 1934 after the Smuts-Hertzog coalition of the previous year. The Dominion party believed that so much had been conceded to Hertzog's point of view that the bonds with the Commonwealth had virtually been severed and the way left open for the adoption of a republican constitution.

ECONOMIC AND WAGE COMMISSION (1925).
An important commission appointed by the Union

Government to "consider the effect of different wage and labour policies upon the opportunities of employment at a wage compatible with a civilized standard of life. . . ."

ENTRENCHED CLAUSES. The Parliament of the Union of South Africa was by Section 152 of the South Africa Act (*q.v.*) empowered to repeal or alter any of this Act's provisions, but with the proviso that Section 152 itself, the proviso which prohibited the disqualification on grounds of race or color of voters qualified under Section 35, and Section 137 guaranteeing equality of the Dutch and English languages, could be amended or repealed only by a two-thirds majority of the members of both Houses of Parliament sitting jointly.

GAIKA or NGQIKA. A Xhosa chief. Grandson of Rarabe (*q.v.*), son of Mlawu, who predeceased his father, so Gaika succeeded to the chieftainship as a boy. During his minority, his uncle Ndhlabi (*q.v.*) was regent of the Rarabes. In 1818 Gaika, who, on growing up, had quarreled with his uncle, was defeated by Ndhlabi and the tribe was split into Gaikas and Ndhlabis.

GCALEKA. A Xhosa chief. Heir to Palo. After his defeat by Rarabe (*q.v.*) in 1750, he succeeded to the chieftainship only of that part of the tribe which lived north and east of the River Kei (*q.v.*). Died in 1792.

GREAT FISH RIVER. A river in the Eastern Cape, rising in Quagga's Hoek, some sixty miles northwest of Cradock. From the junction of the Baviaans River to the sea at Waterloo Bay, it represented from 1780 to 1829 the official eastern frontier of the colony.

GREAT TREK. The migration from the Cape Colony

in the late 1830's of Dutch-speaking farmers, from which the Afrikaner republics sprang.

GREY, Sir GEORGE. Governor of the Cape, December 1854. In June 1859 recalled because of unauthorized attempts to push forward a federation of States in South Africa. Reinstated (after a change of Government in the United Kingdom) in July 1860. Transferred as Governor to New Zealand, August 1861.

HEEMRADEN. In 1682 a body of four *heemraden* was appointed at Stellenbosch to settle disputes there. After the institution of the *landdrost* (q.v.) in 1685, it became customary to appoint *heemraden* for each *drostdy* (or magisterial district) from amongst the local inhabitants, in an honorary capacity, to assist the *landdrost* in his duties and sit with him in the trial of petty cases.

HERTZOG, General JAMES BARRY MUNNIK, 1866-1942. At the age of twenty-nine a judge in the Orange Free State. General in the war of 1899-1902. Attorney-General and Minister of Education, Orange River Colony, 1907-10. Member of National Convention 1908-9. Union Minister of Justice 1910-12. Founder of the Nationalist party (q.v.). Prime Minister 1934-39, in a Nationalist-Labor coalition 1924-29, a Nationalist government 1929-33, and a Fusion or United party (q.v.) government 1933-39.

HIGH COMMISSION TERRITORIES. Basutoland, Bechuanaland Protectorate, and Swaziland, Native territories under the control of the Dominions Office (now Commonwealth Relations Office) in the United Kingdom, which is represented by a High Commissioner in South Africa.

HOFMEYR, JAN HENDRIK the elder, 1856-1909.

Known as Onze Jan (Our John), one of the pioneers of journalism in the Dutch language in the Cape Colony, member of parliament for Stellenbosch 1884-95. Leader for many years of the powerful *Afrikaner Bond* (*q.v.*), which linked the appeals of an Afrikaner cultural movement with those of politics.

HOFMEYR, JAN HENDRIK the younger, 1894-

1948. Nephew and biographer of Onze Jan. He was the most distinguished of General Smuts's parliamentary followers. Minister of Education under the United Party 1933-38 and 1939-48, of the Interior 1933-36, of Health 1933-36, of Social Welfare 1937-38, of Finance 1939-48, of Mines 1948.

HOLLOWAY, Dr. JOHN EDWARD. Professor of Economics at the Transvaal University College, Pretoria, before entering upon an administrative career. Dr. Holloway was subsequently Director of Census and Statistics, Secretary for Finance (*i.e.*, permanent head of the Treasury) and Ambassador to the United States, and is now High Commissioner for South Africa in London. He was Chairman of the Native Economic Commission 1930-32 (*q.v.*), the University Finances Commission 1951-53, and the Commission on separate University training facilities for non-Europeans 1953-54.

HOTTENTOTS. A short-statured, loosely tribalized pastoral people, who inhabited the western Cape of Good Hope at the time of the Portuguese discovery of the sea route to the East. Now largely assimilated into the mixed group of Cape Colored (*q.v.*).

IMPI. The Zulu army formation. The tactics employed by Tschaka (*q.v.*) were for the *impi* to advance

against the enemy, armed with shields and stabbing *assegais* (or spears) in a crescent formation. The "horns" of the *impi* would attempt to outflank the enemy, the "chest" in the middle mounted the main body of the attack, and the "loins" formed a mobile reserve in the rear. These tactics were extremely effective against other African tribes and even against European armies, but the Boer *laager* of ox-wagons lashed together in a circle, defended by accurate fire, was not easily overwhelmed.

JAMESON RAID. An invasion of the Transvaal from the Bechuanaland Protectorate in December 1895 by a body of 500 men under Dr. L. S. Jameson, with the apparent connivance of Cecil John Rhodes, Sir Hercules Robinson (Governor of the Cape and High Commissioner), and the Colonial Secretary, Joseph Chamberlain. It was designed to give aid to an outbreak of discontented *uitlanders* (*q.v.*) from Johannesburg (*q.v.*), but this did not take place, and Jameson's column was tamely rounded up near Krugersdorp.

JOHANNESBURG. The largest city in South Africa and center of the gold-mining industry of the Witwatersrand, Transvaal. Population in 1951, 884,000, of whom 360,000 were White and 465,000 Black. At present total population is estimated as 1,006,000; Whites 388,000, Blacks 546,000.

KAFFIR WARS. The name given to the long series of campaigns against the Xhosas (*q.v.*) and related tribes on the Cape Colony's eastern borders. The First Kaffir War is conventionally dated 1779 and the Tenth 1877-78. "Kaffir" was the name by which the Bantu (more particularly the Xhosas)

were known in the nineteenth century. It is not now considered a polite term.

KAROSS. A sleeveless mantle of fur or sheepskin, used by both Hottentots (*q.v.*) and Bantu (*q.v.*).

KARROO. A Hottentot word meaning "arid" has given its name to various regions of the Cape Province. Going north, there is first a well-watered belt south of a coastal chain of 4,000-5,000 foot mountains running west to east for 300 miles, represented by the Langeberg range, north of the town of Swellendam, the Outeniquas and Zitzikammas. Between these mountains and the rather higher Zwartberg, Klein Winterhoek, and Zuurberg lies the Little Karroo at an elevation of 1,500 to 2,000 feet. Between the Zwartberg ranges and the 6,000-7,000-foot high central chain represented by the Roggeveld, Nieuweveld, and Sneeuwberg mountains lies the Great Karroo; but on the other side of these ranges the country is climatically and in vegetation and soil very similar until the Orange River valley is reached, and, in parts, beyond it. The Great Karroo lies at an altitude of 3,000-4,000 feet. The average rainfall varies from less than 5 inches per annum to a maximum of about 15 inches in some districts. There is no permanent grass, but only sparse woody shrub and succulents (astonishingly good grazing for sheep if thinly enough stocked) which do not form a continuous carpet, but are interspersed with bare red clay soil, baked hard by the sun. There are some 80,000 to 100,000 square miles of this Karroo-like land and vegetation.

KEI RIVER. The Great Kei, formed of the junction of the White Kei and the Black Kei with their various tributaries rising in the Stormberg and Winter-

berg ranges, reaches the sea between 40 and 50 miles northeast of East London (67 miles by road). In 1857 the Cape colonial boundary was pushed up to the Keiskamma (*q.v.*), while the separate dependency of British Kaffraria was created between the Keiskamma and the Kei. British Kaffraria was incorporated in the Cape Colony in 1865-66. Between 1879 and 1894 the territories from the Kei River to Natal were annexed.

KEISKAMMA RIVER. Rises in the Amatola Mountains and reaches the sea at Hamburg, some 40 to 50 miles south west of East London (60 miles by road). In 1819 the lower Keiskamma was made the eastern frontier of a "neutral belt" between Black and White stretching to the Great Fish River (*q.v.*).

KIMBERLEY. Center of the diamond-mining industry in Griqualand West, since 1880 part of the Cape Colony or Cape Province of the Union of South Africa.

KRUGER, STEPHANUS JOHANNES PAULUS, c.1825-1904. President of the Transvaal (or South African Republic) 1883-1902.

LAGDEN, Sir GODFREY, 1851-1934. Resident Commissioner of Basutoland 1898-1901, became head of the Native Affairs Department of the Transvaal under Milner in 1901 and from 1903 to 1905 was Chairman of a Native Affairs Commission, comprising representatives of each of the governments of the British territories in Southern Africa, to assist the governments to come to a common understanding on matters of Native Policy.

LAING'S NEK. A pass through the Drakensberg where the Transvalers under Commandant-General Piet Joubert repulsed the British General, Sir

George Colley, who was attempting to march with a small force from Natal into the Transvaal to restore order on the outbreak of the war to restore the independence of the Transvaal, January 1881.

LANDDROST. A government official for the outlying districts, partly exercising police duties, partly undertaking local administration, partly acting as a magistrate to try unimportant cases. The first *landdrost* was appointed for Stellenbosch in 1685. In the exercise of their duties, *landdrosts* were assisted by *heemraden* (*q.v.*) appointed from the local *vrijburgers*. The *landdrost* was an important official in local government in the Orange Free State and Transvaal Republics, and the name is now being re-adopted as the Afrikaans designation of *magistrate*.

LEGISLATIVE ASSEMBLY. The elected Lower House in the self-governing Parliamentary institutions granted to the Cape Colony in 1853 (and with full-responsibility of Ministers to Parliament in 1872), granted to Natal in 1893, to the Transvaal in 1906, and to the Orange River Colony (Orange Free State) in 1907. The Lower House in the Union Parliament is known as the House of Assembly.

LEGISLATIVE COUNCIL. (i) In 1834 a Legislative Council was created for the Cape of Good Hope. It consisted of five officials and from five to seven nominated unofficial members. Its powers of legislation were limited.

(ii) The elected Upper House, corresponding to the Senate, in the Cape Parliament under the constitution ordinance of 1853, was also known as the Legislative Council.

(iii) In Natal, a nominated Legislative Council was created in 1847, and a single-chamber parlia-

ment, also known as the Legislative Council, was substituted in 1856. This contained both nominated and elected members, but the latter were in a majority. In 1893 a nominated Legislative Council was formed as the Upper House of a two-chamber Parliament.

(iv) In the Transvaal and Orange River Colonies after the war of 1899-1902, a nominated Legislative Council was created and the institutions of self-government created in 1906 and 1907 included a nominated Legislative Council as an Upper House to an elected Legislative Assembly.

LOCATION. This word is used in South Africa particularly to designate an area set aside for dwellings of Natives or Colored people.

MAJUBA. Scene of a severe defeat of a small body (554) of British troops by Transvaal forces, February 1881.

MALAN, FRANÇOIS STEPHANUS, 1871-1941. Editor of *Ons Land* (organ of the *Afrikaner Bond*, q.v.) 1895-1908. Member of the Cape and Union Parliaments 1900-1924, Senator, 1927-41 and President of the Senate 1940-41. Minister of Mines and Industries in the first and second Botha ministries and first Smuts ministry 1910-24. Also Minister of Education 1910-21, of Agriculture 1920-21, Acting Minister of Native Affairs 1915-21, and Acting Prime Minister 1918-19. A cousin but a political opponent of Dr. D. F. Malan, who was Prime Minister 1948-54.

MERRIMAN, JOHN XAVIER, 1841-1926. A skilled parliamentarian, he was a member of the Cape Parliament from 1869 to 1910 and of the Union Parliament from 1910 to 1924. He was treasurer

in the first Rhodes ministry 1890-93, but he then broke with Rhodes and became his sharpest critic. He was also Treasurer in the Schreiner ministry 1898-1900 and was Prime Minister and Treasurer of the Cape 1908-10.

MIGRATORY LABOR. Much of the labor employed in South African industries and (more particularly) mining is provided by temporary migrants whose homes are in Native Reserves and whose families remain there. The average length of service on the gold mines is about twelve months.

MILNER, Sir ALFRED, later Viscount, 1854-1925. Governor of the Cape Colony and High Commissioner for South Africa 1897-1901. Governor of the Transvaal and Orange River Colony and High Commissioner for South Africa, 1901-5.

MZILIGAZI (MOSELIKATZE). Tschaka's (*q.v.*) general who fled north in 1823 and created the Ndebele or Matabele nation.

NATAL. One of the four colonies which formed the Union of South Africa in 1910.

NATIONAL CONVENTION. A meeting of 30 delegates, chosen by the parliaments of the four South African colonies on an all-party basis (12 from the Cape, 8 from the Transvaal, and 5 each from the Orange Free State and Natal, plus 3 observers from Rhodesia), which met from October 1908 to May 1909 to reach agreement on their closer union. The draft constitution which resulted after reference back to the four parliaments was then embodied in the South Africa Act, passed by the United Kingdom parliament in 1909, under which the Union of South Africa came into being on May 31, 1910.

NATIONALIST PARTY. Founded by General Hert-

zog in 1913 largely as a protest against General Louis Botha's policy of conciliation and obliteration of the differences between Afrikaners and English-speaking South Africans, this party was in power from 1924 to 1933 (at first under a pact with the Labor party, which had a "White Labor Policy") when a fusion with General Smuts's South African party took place. Many members of the Nationalist party went over to the new United party founded as a result of Fusion, but the Cape Provincial Congress of the party, under Dr. D. F. Malan, voted against this and a small "Purified" Nationalist party was born. In 1939 there was a split in the United party on the war issue, and many former Nationalists who had joined the United party returned to the Nationalists in the years following. Since 1948 the Nationalist party has again been in power under Dr. D. F. Malan from 1948 to 1954 and subsequently under Mr. J. G. Strijdom. As a matter of semantics, it prefers the title "National party" for itself with the implication that all opponents are "un-national" while insisting on calling liberals "liberalists."

NATIVE. This term is defined for registration of births and deaths as applying to persons both of whose parents belonged to an aboriginal race or tribe of Africa; but there are also other definitions. The term is not favored by the leaders of Native political opinion, who prefer "African" (*q.v.*).

NATIVE ECONOMIC COMMISSION. A commission of enquiry set up in 1930 which reported in 1932. It is also known as the "Holloway Commission" after its Chairman, Dr. J. E. Holloway (*q.v.*); it must not, however, be confused with the two more recent "Holloway Commissions" on the universities.

NATIVE HEAD TAX. The "head" or "poll" tax is officially known as the General Tax. It is paid by every male Native between the ages of 18 and 65 years (with various exemptions) and amounts to £1 per head per annum. At present one-fifth of the yield is paid over to the South African Native Trust (*q.v.*) while the remainder is devoted to Native education.

NATIVE RESERVE. An area set aside for exclusive occupation by Native Africans.

NATIVE SERVICE CONTRACT ACT. Act No. 24 of 1932 did not apply in the Cape, but in Natal and the Transvaal it (i) prohibited the employment elsewhere of Natives domiciled on land owned by White farmers without written proof that they were not avoiding the labor service due in respect of their tenancy and (ii) placed a tax, in any area specifically proclaimed, to be paid by the landowner, upon each adult male Native he permitted to remain on his farm who did not render him services in each year amounting to 180 days in the aggregate.

NATIVE TRUST. See South African Native Trust.

NATIVES' LAND ACT. Act No. 27 of 1913 provided that Native Africans might not buy or hire land from Whites outside certain areas scheduled for Native occupation, totaling at the time something over 20 million acres. Non-Natives were similarly restricted from purchasing from Natives within the scheduled areas (*q.v.*).

NATIVES REPRESENTATIVE COUNCIL. The Representation of Natives Act No. 12 of 1936, *inter alia*, provided for a Natives Representative Council, consisting of 6 official members (the Secretary for Native Affairs and 5 Chief Native Commissioners), 4 nominated Native members, and 12 elected Native

members. It was to consider and report upon proposed legislation, so far as it affected Africans. Parliament and Provincial Councils were not allowed to proceed with any bill or draft ordinance which had been certified by the Minister of Native Affairs as affecting Natives, until it had been submitted to the Natives Representative Council. In 1946 its African members refused to co-operate with the Government, demanding immediate repeal of all discriminatory legislation. General Smuts refused this demand but agreed to extend the powers of the N.R.C. beyond the merely advisory. His offer was not accepted and the deadlock continued. In 1951, under the Malan Government, the Natives Representative Council was abolished.

NDHLAMBI. Approximate pronunciation a nasalized "Shlambee." A rather closer approximation by starting as though humming through the nose and continuing with the sound represented in Welsh by "ll" as in Llanelly, Thus: "nn . . ll . . ambay." A Xhosa Chief. Younger son of Rarabe (*q.v.*) and regent during Gaika's (*q.v.*) minority. Ndhlabi afterwards seceded with his own followers and created a boundary problem as neither Gaika nor the Cape Colonists wanted his clan on their side of the Great Fish River (*q.v.*) boundary.

ORANGE FREE STATE. A former Boer (i.e., Afrikaner) Republic, now one of the Provinces of the Union after becoming a Crown Colony of Britain in 1902 as the Orange River Colony.

ORANGE RIVER. South Africa's greatest river, which yet does not, save in flood, manage to break through the sand bar at its mouth! Twelve-hundred miles long from its sources in Basutoland to the Atlantic

Ocean, it drains the Orange Free State, the Western Transvaal, the Cape Province north and west of the Stormberg and Nieuweveld mountains and the southern parts of South West Africa and the Bechuanaland Protectorate.

PLAKKAAT. An ordinance or Government notice. The inhabitants of the Cape under the Dutch East India Company might be subject to regulations made at different levels, e.g., to *plakkaats* issued by the States-General of the Netherlands or the Province of Holland, or promulgated from Batavia, by authority of the Council of India, or issued at the Cape by the local Council of Policy. Those issued at the Cape from 1652 to 1806 have recently been published in six volumes by the Archives Commission under the title *Kaapse Plakkaatboek* (Cape Town, 1944-51).

POOR WHITE PROBLEM. The problem of poverty amongst rural Whites or incompletely urbanized Whites, complicated by competition of men of different colors and living standards.

PRETORIA. Capital of the Transvaal and "seat of government" (i.e., executive and administrative capital) of the Union. In 1910 it was quite a small town, with a population of 58,000 (36,000 White) according to the 1911 Census. It now contains 327,000 inhabitants (172,000 White).

QUAGGA. A near relative of the zebra, distinguished by the absence of stripes on its hindquarters, formerly common throughout the more southerly parts of South Africa, while the zebra was commoner further north. The quagga has been extinct since the 1870's.

RARABE. A Xhosa chief, son of Palo (supreme chief of the Xhosas, *q.v.*). After a battle with his half-brother—and Palo's heir—Gcaleka (*q.v.*) in 1750.

Rarabe left the Transkei (*q.v.*) and settled as an independent chief in the Ciskei (*q.v.*) between the Kei (*q.v.*) and Great Fish (*q.v.*) rivers. This split the Xhosas into the Gcaleka and Rarabe sections. Rarabe died in 1787. Subsequently the Rarabes themselves were split into hostile clans, the Gaikas and Ndhlabisi. (There is no "r" sound in Xhosa speech. The letter is used for a sort of voiceless velar fricative sound for which there is no exact equivalent in English, roughly equivalent to "ch" in Scots *loch* or German *lachen*.)

RECRUITING. A system of obtaining migrant labor through special agents in Native territories.

RELEASED AREAS. Areas of about 15 million acres additional to the areas scheduled for Native land-ownership and occupation in 1913 by the Natives Land Act (*q.v.*) made available for acquisition by Natives in the Native Trust and Land Act, No. 18 of 1936. This Act also made provision for a Native Trust to finance the purchase of "released" land. (See Natives' Land Act, Scheduled Areas, South African Native Trust.)

RESPONSIBLE GOVERNMENT. In British constitutional practice this is distinguished from merely representative government by the need for the executive to retain the confidence of the majority in Parliament and secure parliamentary authority for all expenditures and all executive actions. As a consequence, a Government must resign office and make way for another (or hold a general election) if it fails to carry the House with it. Under representative but not responsible government (as at the Cape from 1854 to 1872) the executive is independent of the legislature.

RETIEF, PIET, 1780-1838. A leader of the Great

Trek (*q.v.*), he received a cession of Natal from Dingaan (*q.v.*) but was immediately afterwards murdered by him in February 1838.

RHODES, CECIL JOHN, 1853-1902. Founder of the De Beers Mining Company (1880) and De Beers Consolidated Mines Ltd. (1888), by which he secured monopoly control of diamond mining. He also founded Goldfields of South Africa Ltd. (1887), which involved him financially with affairs in the Transvaal, and the British South Africa Company (1889) as an agent for the colonization of Rhodesia. First elected to the Cape Parliament in 1880, he was Prime Minister from 1890 to 1896, when he had to resign, discredited by complicity in the Jameson Raid (*q.v.*).

ROSE-INNES, Sir JAMES. 1855-1942. Member of the Cape Parliament 1884-1902, twice Attorney-General of the Cape, Chief Justice of the Transvaal 1902-1910, Puisne Judge of the Appellate Division of the Supreme Court (*q.v.*) of the Union of South Africa 1910-1914, Chief Justice, 1914-1927.

SAUER, JAMES WILLIAM, 1850-1913. Member of Cape Parliament 1874-1910. Secretary for Native Affairs 1881-84, Colonial Secretary under Rhodes 1890-93. Broke with Rhodes and became leader of the opposition till 1896. Served in Schreiners' (*Bond* supported) ministry 1898-1900. Member of the National Convention 1908-9. Member of the Union Parliament and Minister for Native Affairs 1910-13.

SCHEDULED AREAS. Areas scheduled for Native occupation under the Natives' Land Act, 1913 (*q.v.*; see Released Areas).

SHEPSTONE, Sir THEOPHILUS, 1817-1893. Sec-

retary for Native Affairs, Member of the Executive and Legislative Councils in Natal, whose Native policy he fashioned for 30 years. From 1877 to 1879 Administrator of the Transvaal, which he had annexed on behalf of the British Government.

SMUTS, JAN CHRISTIAAN, 1870-1950. Prime Minister of the Union of South Africa 1919-24 and 1939-48. A general in the Transvaal forces in 1899-1902. An outstanding figure in the National Convention and one of the main architects of Union. Leader of the South African party, which he brought into fusion in the United party under Hertzog in 1934, becoming leader himself only after the split on South Africa's participation in the war in September 1939.

SOMERSET, Lord CHARLES. Second son of the Duke of Beaufort and Governor of the Cape Colony 1814-26.

SOUTH AFRICA ACT. The Constitution of the Union of South Africa, which was worked out in the National Convention (*q.v.*) of 1908-9 and formally enacted on behalf of the four colonies joining the Union by the United Kingdom Parliament in 1909.

SOUTH AFRICAN NATIVE TRUST. A corporate body, with the Governor-General as nominal Trustee, set up by the Native Trust and Land Act, 1936, to administer a trust fund (derived partly from the proceeds of taxation upon Natives but mostly from grants from the central government) for the moral and material benefit of Natives. The established Native Reserves (*q.v.*) and unalienated Crown Lands (*q.v.*) in the Released Areas (*q.v.*) were vested in the Trust, which was further given the responsibility for

the purchase of such additional land in the released areas as might be necessary to fulfil the program.

SOUTH WEST AFRICA. This former German Colony has been under mandate to South Africa since 1919. Since 1950 its White electors have enjoyed representation in the Parliament of the Union of South Africa, without, however, sacrificing their own fiscal autonomy.

SPRIGG, Sir GORDON, 1830-1913. Prime Minister of the Cape Colony 1878-81, 1886-90, 1896-98, 1900-1904. Although he was at first both politically and personally opposed to Rhodes, in 1893 the two joined forces. In his last premiership, however, Sprigg depended largely on *Afrikaner Bond* support.

STANFORD, Sir WALTER E. M., 1850-1933. Magistrate in various offices in the Ciskeian territories, he served in the frontier wars of 1877-78 and 1880-81. Chief Magistrate of East Griqualand 1885. Secretary for Native Affairs, Cape Colony 1897-1902. Member of the Cape Parliament for Tembuland 1908-10. Member of Native Laws and Customs Commission 1880-82, of Intercolonial Native Affairs Commission 1903-5, of National Convention 1908-9. Senator 1910-29.

STATUS ACT. An act of the Union parliament, No. 69 of 1934, which amended the South Africa Act (*q.v.*) by (i) making it clear that the Union parliament is the sole sovereign legislative power over the Union, externally as well as internally, (ii) investing the executive power in the King or his representative (the Governor-General) acting on the advice of the Union cabinet, (iii) abolishing the Governor-General's right to reserve a bill for the signification of the King's pleasure (which had hitherto been mandatory

in the case of alterations to the franchise) and (iv) in various minor ways.

STATUTE OF WESTMINSTER. An act of the United Kingdom Parliament passed in 1931. Its main features were (i) that the United Kingdom parliament disclaims all right to revise legislation of the Dominion parliaments and (ii) that laws of the Dominions remain valid even if in conflict with laws of the United Kingdom.

STEYN, MARTHINUS THEUNIS, 1857-1916. Attorney-General, Judge, and subsequently President of the Orange Free State 1896-1902, during the period from the Jameson Raid to the British annexation. Vice-President of the National Convention (*q.v.*).

STRIJDOM, JOHANNES GERHARDUS. Prime Minister of the Union since 1954, following the retirement of Dr. D. F. Malan.

SUPREME COURT. The Supreme Court of South Africa consists of five Local and Provincial Divisions, each under a Judge-President and as many Puisne Judges as are required, of additional Local Divisions and Circuit Courts, staffed for the most part by Judges of the Provincial Division in which they fall, and of an Appellate Division consisting of the Chief Justice and as many Judges of Appeal as are required. The Local and Provincial Divisions have original jurisdiction both criminal and civil; and the Provincial and some of the Local Divisions have appellate jurisdiction on appeals from magistrates' courts. The Appellate Division is purely a Court of Appeal from the Provincial or Local Divisions. It is the highest court in the Union and its decisions are binding on all other courts.

TOMLINSON COMMISSION. Professor F. R.

Tomlinson, University of Pretoria, was chairman of a commission appointed in 1950 to "conduct an exhaustive inquiry into and to report on a comprehensive scheme for the rehabilitation of the Native Areas with a view to developing within them a social structure in keeping with the culture of the Native and based on effective socio-economic planning." It reported at great length on October 1, 1954, in an unpublished series of volumes, and an abridged version of the report was published on March 27, 1956.

TRANSKEI. The area from the Great Kei River to Natal, between the Quathlamba Mountains and the sea. It forms South Africa's largest Native Reserve, comprising the Transkei Proper, Tembuland, Griqualand East and Pondoland, altogether nearly 11 million acres in extent.

TRANSVAAL. One of the four provinces of the Union of South Africa, lying north of the Vaal and south of the Limpopo rivers. Formerly known as the South African Republic, it was annexed as a British colony in 1902. Granted self-government in 1906, it entered Union in 1910. The gold-mining industry is largely centered in this province and until recently was almost exclusively centered there. Although in several standard English dictionaries its inhabitants are described as "Transvaalers," this spelling is not used in South Africa. Throughout this book "Transvaler" is spelled with one "a" in accordance with South African usage.

TSCHAKA (SHAKA or CHAKA) 1787-1828, General of Dingiswayo (*q.v.*), chief of the Mthethwa (of whom the small Zulu clan were dependents). Tschaka became chief of the Zulus and, after Dingiswayo's

death, raised the tribe to a remarkable military supremacy.

TUGELA. A river, rising in the Drakensberg in what is now the Natal National Park. From its junction with the Buffalo to the sea it forms the boundary between Zululand and Natal.

UITLANDER. A foreigner or immigrant.

UMZIMVUBU. This river rises in the Quathlamba Mountains and flows into the sea at Port St. Johns in Pondoland.

UNION OF SOUTH AFRICA. An independent country of the Commonwealth, formed in 1910 out of the union of four British colonies, viz., Cape Colony (known now as Cape Province or The Cape), Natal, Orange River Colony (till 1902 the independent Orange Free State, which title was revived), and Transvaal (formerly South African Republic).

UNITED PARTY. This was inaugurated in December 1934 to make permanent the fusion between Smuts's South African party and Hertzog's Nationalist party, which took place early in 1933. It split seriously on the war issue in 1939. In the elections of 1943 it increased its representation in Parliament from 72 members to 89, but in 1948 the coalition which it led together with the Dominion and Labor parties was narrowly beaten. In 1953 the Nationalist party increased its majority over the United party. On the death of General Smuts in 1950, Mr. J. G. N. Strauss became leader of the United Party. He was followed in 1956 by Sir de Villiers Graaff.

VERWOERD, Dr. HENDRIK F. Senator and Minister of Native Affairs since 1950. Formerly Professor of Applied Psychology and of Sociology at Stel-

lenbosch University and editor of the Nationalist newspaper, *Die Transvaler*.

VOLK. Dutch (and Afrikaans) for "people." There is a certain *mystique* about it. *Die volk* is used rather to distinguish the Afrikaner people from all others.

VOLKSRAAD. The legislature in the Boer (Afrikaner) Republics. The Union Parliament is known in Afrikaans as *Die Unie-Volksraad*. *Eerste Volksraad* = First Volksraad; *Tweede Volksraad* = Second Volksraad; *Derde Volksraad* = Third Volksraad (a somewhat wry jest at the expense of Transvaal institutions in the 1890's).

VRIJBURGER. A white settler in the colonial possessions of the Dutch East India Company, not a servant of the Company.

WALTON, Sir EDGAR, 1859-1942. Editor of the *Eastern Province Herald* (Port Elizabeth), Progressive member of Cape Parliament 1898-1910, Treasurer 1904-8. One of the Cape delegates to the National Convention; subsequently (1921-25) High Commissioner in London for the Union of South Africa. No official record of the debates in the National Convention was preserved. Walton, however, in 1913 published a rather general account of the tenor of the discussions based on his own shorthand notes. The Progressive party at the Cape was largely urban and English-speaking, whereas the South African party drew more of its strength from the country districts. With the rise of Hertzog's Nationalist party, however, the Progressives and the South African party of Botha and Smuts came closer together, and the present United party must be regarded as the heir to both the old Progressive party and the party of the *Afrikaner Bond*, while the

Nationalist party draws its inspiration from the less accommodating republican political traditions.

WITWATERSRAND. The main gold-mining area of South Africa. Johannesburg is situated there.

XHOSA. The southernmost major division of the Nguni group (which also includes the Zulu, Swazi, and Ndebele tribes) of the Bantu-speaking peoples. The Xhosas themselves are divided into some 45 to 50 clans. (See Gaika, Gcaleka, Kaffir Wars, Ndhlabi, Rarabe). The "Xh" at the beginning of the word *Xhosa* represents a sound which the early white colonists—very inaccurately—tried to approximate with a "k"; and the simplified pronunciation "Kosa" will be understood. In fact, however, the sound is that of one of the characteristic "clicks" which are typical of some of the Bantu languages—in this case somewhat similar to the "clucking" sound with which horseback riders frequently encourage their horses.

ZUURVELD. The present districts of Albany, Bathurst, and Alexandria in the eastern Cape, south of the Fish River bush. The Zuurveld was so called because it lacks lime so that its grasses are "sour."

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The *Official Year Book* is the great official compendium of information on South Africa. Largely administrative in scope, being compiled by the Bureau of Census and Statistics out of material submitted by all the departments of state, it also contains, in summary form, a wealth of statistical information collected by the various departments or by the Bureau itself in the course of their duties. It ranges from education to prisons, from a description of the administration of the Native Affairs Department to national parks, from the co-ordination of the development of abattoirs by the Meat Control Board to a short history of the development of zoological gardens. The first volume was published in 1918, but, owing to various interruptions—e.g., suspension of publication during the last war and difficulties in speedy resumption—the latest volume is only No. 28, covering 1954-55. There has been considerable reduction in the amount of material carried over from volume to volume and it is therefore desirable to have No. 27 or earlier volumes handy as well as the latest one.

A. Gordon-Brown's *Guide* is a convenient digest of information prepared annually on behalf of the Union-Castle Mail Steamship Co. Ltd., which is the main shipping line serving South Africa. It is particularly strong on topographical information and contains useful maps.

Lord Hailey's *Survey* covers the whole of Africa south of the Sahara. The sections on South Africa are thus rather scattered, but gain something from being placed in relationship with the rest of the continent. It does not contain the most recent information.

Ellen Hellmann edited her valuable *Handbook* for the Institute of Race Relations, with the co-operation of a number of expert authors, but there have been considerable changes since its preparation, soon after the end of the war.

The first of Muriel Horrell's annual *Surveys* covered 1951-52, but in a less elaborate form the *Surveys* go back to 1946-47. They are absolutely indispensable to anyone who wishes to be *au fait* with South African developments. The range of information contained in them is astonishing; the reporting is clearly focused while maintaining admirable objectivity, and they are well documented. Their value is out of all proportion to their low cost or, indeed, to the size of the extremely small staff which Miss Horrell has been able to call upon for assistance in her arduous and most worthwhile task. Leopold Marquard's is a general narrative account of South Africa today, with brief incursions into past history, and is very good indeed. Professor Wellington's elaborate geographical study includes five informative chapters on human geography. Professor Serton's geographical study is rather less detailed than Professor Wellington's, but it provides a particularly well-balanced picture of South African society in a geographical and historical setting—an excellent example of the "holistic" view cultivated by General Smuts. A translation from Netherlands into English would be welcome, as it deserves a much wider public than it obtains at present.

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Eric Walker's *History* is a standard work and in my view still the best, but it is so compressed that it does not

* Contains good bibliographies.

read as easily as some of the author's other books—such as *The Great Trek* (London: A. & C. Black, 3rd ed., 1948). It is still possible for an historian to work up topics in detail and feel convinced that he has done some original work, but on referring to Walker, to discover that the gist of it was already there, although this had been imperfectly recognized on a casual reading of his book. De Kiewiet is just the opposite. Rather scanty on the detail, he is exciting, stimulating, enlightening and judicious in interpretation. The individual chapters of the two composite undertakings vary in quality, the range in variation being greater in Van der Walt, Wiid, and Geyer than in the Cambridge volume. Some of the judgments in the latter tend to reflect the fact that it is a history of the British Empire rather than a history of South Africa, but some of the judgments in the former are still more one-sided. Unfortunately, in this work the period between the end of the South African War in 1902 and Union, in particular the National Convention, is handled rather inadequately, in a way which suggests a misunderstanding of editorial directions may have taken place. Perhaps a mutual determination of those responsible for the chapters on constitutional history in Volume II and for the political narrative in Volume I not to trespass on one another's preserves led to a gap in treatment in place of an overlap. Theal's rather pontifical chronicles, devoid of detailed references to authorities, even when most dogmatic, predate modern historiography.

III. *Historical Background (Contacts between the Races)*

In this section I have attempted to give a selection of works which throw light upon the development through past years of those economic contacts between

the different color groups in the South African community which have led to the position from which *apartheid* is now regarded by many as a means of escape. I have tried to reserve works dealing with present-day aspects, or the very recent past, for the next section, but there are, of course, many books which could readily be catalogued in several categories. The bibliography in Sections III and IV includes works dealing primarily with the economic and social position of the Cape Colored and Asian elements of the population, which is dealt with only sketchily in the text.

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V. *The Cape Colored Franchise*

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